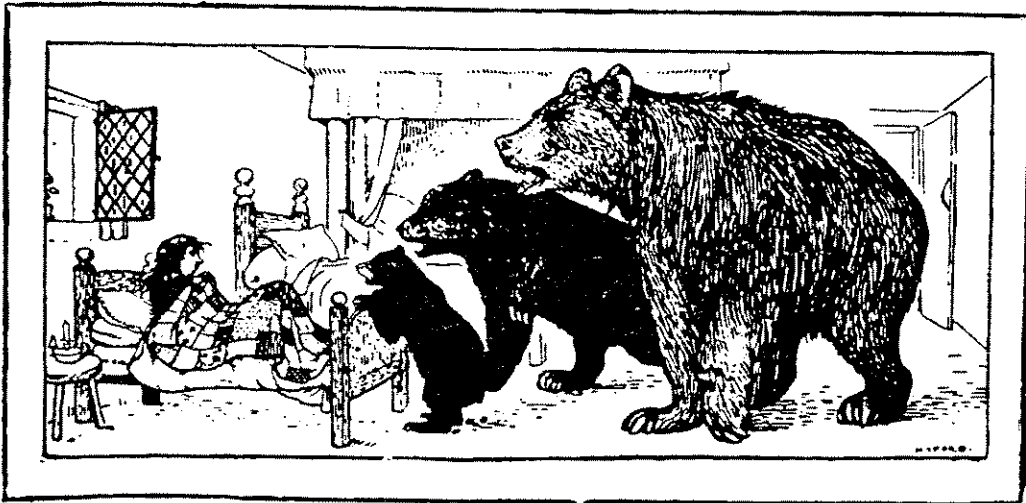


# Mock Trial

a script and how-to guide

for the case:

## The Three Bears v. Goldilocks



Kindergarten - 6th Grade

# *The Three Bears*

*v.*

# *Goldilocks*

Mock Trial  
Materials and How-To Guide

Grades K through 6



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MOCK TRIAL SCRIPT

MOM A. BEAR  
POP A. BEAR  
and  
BABE E. BEAR

v.

GOLDEN LOCKS a/k/a GOLD E. LOCKS

(For Pre-School Children Through Primary Grades)

Prepared by  
Attorney Richard D. Torpy  
Denver, Colorado

PARTICIPANTS IN TRIAL

Judge  
Mom A. Bear  
Pop A. Bear  
Babe E. Bear  
Gold E. Locks  
Plaintiff's counsel  
Defendant's counsel  
Jurors  
Bailiff

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SCENE: The Araphoe District Courthouse. The Bailiff comes out and calls the case of Mom A. Bear, Pop A. Bear and Babe E. Bear vs. Golden Locks, also known as Gold E. Locks. The Bears are seated at the plaintiff's table. Golden Locks and her mother, Mrs. Locks, are sitting at the defense table.

JUDGE: This is the case of Mom A. Bear, Pop A. Bear and Babe E. Bear vs. Golden Locks. As I understand the pleadings, the charge against Golden Locks is that she showed bad manners. Are there any opening statements?

ATTY FOR BEARS: Your honor, in this case we will show that one crisp fall morning Mom A. Bear got up early and made a steaming bowl of porridge. She intended to serve the bowl of porridge to Pop A. Bear and Babe E. Bear for breakfast. We will further show that because the porridge was too hot, the Bears decided to take a walk in the forest. While walking in the forest, Gold E. Locks entered the home of the three Bears and ate some porridge out of the bowls of Mom A. Bear and Pop A. Bear. She ate all the porridge from the bowl of Babe E. Bear. After eating Babe E. Bear's porridge, Gold E. Locks sat down in Babe E. Bear's chair and broke it. After breaking the chair, Gold E. Locks went upstairs and fell asleep in Babe E. Bear's bed. Through our evidence we will show that Gold E. Locks did not use good manners in her actions. Thank you, your honor.

JUDGE: Does the attorney for Gold E. Locks have any opening statement?

ATTY FOR BEARS: Your honor, these charges of bad manners against Gold E. Locks are ridiculous. We will show that the Bears invited Gold E. Locks into their home by leaving the door open. Gold E. Locks was out walking in the forest, minding her own business, and picking flowers, when she smelled the sweet aroma of porridge cooking. She had been in the forest many times before and knew where the Bears lived. Gold E. Locks merely thought she was invited for breakfast. We will further show that the porridge was so good that Gold E. Locks decided to take a nap so that she could sleep off her breakfast. We will show that Gold E.

Locks was a guest -- and certainly did not demonstrate any bad manners.

JUDGE: Very well. Call your first witness.

ATTY FOR BEARS: I call Mom A. Bear as my first witness.

*(Mom A. Bear gets up and goes forward to be sworn in.)*

JUDGE: Please raise your right paw. Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth?

MOM A. BEAR: I do.

JUDGE: Please be seated.

ATTY FOR BEARS: Please state your name.

MOM A. BEAR: My name is Mom A. Bear. That's first name Mom, middle initial A., last name Bear. They also call me Momma Bear.

ATTY FOR BEARS: Where do you live?

MOM A. BEAR: I live in a little bungalow house in the forest. The forest is surrounded by flowers and trees. It is a pretty little house.

ATTY FOR BEARS: Is that forest located in *(insert local city & state)?*

MOM A. BEAR: Yes, it is.

ATTY FOR BEARS: Who else lives in the house?

MOM A. BEAR: My husband, Pop A. Bear, and our little bear, Babe E. Bear, live with me.

ATTY FOR BEARS: On the morning of October 26, 1994, did you make breakfast for your family?

MOM A. BEAR: Yes, I did. I always make a wholesome nutritious breakfast for my family. As they are very fond of porridge, I made porridge on that particular day, and as I always do, I sprinkled the porridge with honey, a pinch of cinnamon and

two pawfuls of raisins. Pop A. Bear especially likes the two pawfuls of raisins.

- ATTY FOR BEARS: Very well, I see, it sounds delicious.
- MOM A. BEAR: It is! You should come over and try some sometime.
- ATTY FOR LOCKS: Your honor, I object to that last question concerning Mom A. Bear's invitation to her attorney to try her porridge. We will stipulate that Mom A. Bear makes very good porridge.
- JUDGE: Very well. Counselor would you please comment on the case and not on your social life with the Bear family.
- ATTY FOR BEARS: After you made the porridge, Mom A. Bear, what did you do?
- MOM A. BEAR: I called Pop A. Bear and Babe E. Bear to come downstairs for breakfast. I really did not have to call them as the aroma from the porridge brought them downstairs quickly.
- ATTY FOR BEARS: Then what happened?
- MOM A. BEAR: We sat down at the table and said grace. After grace, Babe E. Bear said that the porridge was too hot and was burning her tongue, so we decided to go for a little walk in the forest and let the porridge cool.
- ATTY FOR BEARS: I see. Do you always walk in the forest?
- MOM A. BEAR: Oh, yes! We love to walk in the forest. Walking is good for us in the bright sunshine.
- ATTY FOR BEARS: When you got back from your walk, what did you find?
- MOM A. BEAR: Well, the door was open. I had told Babe E. Bear to close it but she forgot. You know how baby bears are about doing those things.
- ATTY FOR BEARS: Yes, I know. I have baby bears of my own. What did you see when you got back?
- MOM A. BEAR: I think we should let Pop A. Bear tell that.

*(Mom A. Bear gets down from the witness stand. Pop A. Bear goes forward to be sworn, raises his right paw and is sworn in by the Judge.)*

ATTY FOR BEARS: Please state your name.

POP A. BEAR: My name is Pop A. Bear.

ATTY FOR BEARS: Do you live in the forest with Mom A. Bear and Babe E. Bear?

POP A. BEAR: Yes, that's our home. It's located out in *(insert local place)*.

ATTY FOR BEARS: Very well. When you got back from your walk in the forest what did you notice?

POP A. BEAR: Well, first I noticed that the door was open. I told Babe E. Bear to close it several times, but I guess she forgot again. I'm going to have to speak to Babe E. Bear about her forgetting to close the door when I tell her to!

ATTY FOR BEARS: Did you smell porridge in the house?

POP A. BEAR: Oh, yes! It smelled delicious. Mom A. Bear is the best porridge-maker in the whole forest. I especially like the two pawfuls of cinnamon and raisins she puts in it.

ATTY FOR LOCKS: Your honor, we know Mom A. Bear makes good porridge. We will stipulate for the record that Mom A. Bear's porridge is the best porridge in the whole wide world, not to mention the best porridge in the *(insert local place)*.

ATTY FOR BEARS: When you got back to the house what did you notice first?

POP A. BEAR: Well, I went over to eat my bowl of porridge. When I looked in the porridge bowl there was none there.

ATTY FOR BEARS: Did you say anything?

POP A. BEAR: Yes, I growled, "Somebody's been eating my porridge!"

*(Attorney for Bears takes bowl of porridge labeled "Pop A. Bear" and has it marked as an exhibit.)*

ATTY FOR BEARS: Pop A. Bear, I now hand to you what has been marked as "Bear's Exhibit A." Is that your bowl?

POP A. BEAR: Yes, can't you see it says "Pop A." on it?

ATTY FOR BEARS: Oh. Is this the bowl of porridge that was sitting on your table?

POP A. BEAR: Yes, it is. I never eat my porridge from any bowl except that bowl.

ATTY FOR BEARS: And when you came back from your walk in the forest is this the way you found it?

POP A. BEAR: Yes, it was empty, just like it is now!

*(Attorney gives bowl to Court.)*

ATTY FOR BEARS: Your honor, I ask that our exhibit be admitted as evidence.

JUDGE: All right.

ATTY FOR BEARS: Pop A. Bear, after you discovered your porridge bowl empty, what did you do?

POP A. BEAR: I walked into my living room.

ATTY FOR BEARS: And what did you see?

POP A. BEAR: My favorite Pop A. Bear chair that Mom A. Bear and Babe E. Bear gave to me for Father's Day last year.

ATTY FOR BEARS: Did you say anything upon noticing that somebody had been sitting in your chair?

POP A. BEAR: Yes, I growled, "Somebody's been sitting in my chair!"

ATTY FOR BEARS: Then what did you do?

POP A. BEAR: Well, I was getting suspicious, so I went upstairs.

ATTY FOR BEARS: What did you notice upstairs?



POP A. BEAR: I noticed that my bed had been messed up.

ATTY FOR LOCKS: Your honor, I object. We all know that Pop A. Bear never makes his bed, and that the bed just sits there until Mom A. Bear makes it in the morning. How do we know that the bed had not been messed up from Pop A. Bear's sleeping in it?

ATTY FOR BEARS: Pop A. Bear, did you make your bed that morning?

POP A. BEAR: Yes. I made a special effort that morning to make the bed as a birthday present for Mom A. Bear.

ATTY FOR BEARS: And when you got back was the bed messed up?

POP A. BEAR: Yes, it was.

ATTY FOR BEARS: Did you say anything

POP A. BEAR: Yes, I growled, "Somebody's been sleeping in my bed!"

ATTY FOR BEARS: Did you see anybody sleeping in your bed?

POP A. BEAR: No, I didn't. I went back downstairs.

ATTY FOR BEARS: Pop A. Bear, those are all the questions I have for you.

JUDGE: You may step down.

*(Pop A. Bear gets off the witness stand.)*

ATTY FOR BEARS: Next I will call Babe E. Bear to the stand.

*(Babe E. Bear goes forward, raises her right paw and is sworn in.)*

ATTY FOR BEARS: What is your name?

BABE E. BEAR: *(babyish tone)* My name is Babe E. Bear. I live with my Mommy and Daddy Bear in a little cottage in *(local place)*.

ATTY FOR BEARS: Do you go to school?

BABE E. BEAR: Yes. I attend the *(insert name of particular school)* in

*(insert local city and state).*

ATTY FOR BEARS: I see. And who are your teachers at pre school?

BABE E. BEAR: My teachers are *(insert name of teachers)*.

ATTY FOR BEARS: And do you always mind your teachers at pre school?

BABE E. BEAR: Well, most of the time I do.

ATTY FOR BEARS: And have your teachers told you to close the door when you leave a room?

BABE E. BEAR: Well, they are trying to teach me to do that, but sometimes I forget. You see, I am still a baby bear.

ATTY FOR BEARS: Did you go for a walk with your mommy and daddy in the forest?

BABE E. BEAR: Yes, I did. The porridge was too hot and I could not eat it, so I thought we could go for a walk and see the birdies, the bunny rabbits and the other animals that live in the forest. I like to watch the birdies and the bunny rabbits. One time I even saw a deer in the forest.

ATTY FOR BEARS: When you got back from the forest what did you see?

BABE E. BEAR: I went with my daddy to sit down to eat my breakfast, and when I sat down, my porridge bowl was empty.

ATTY FOR BEARS: And what did you say?

BABE E. BEAR: *(whines)* I said, "Somebody's been eating my porridge, too, and they ate it all up!"

*(Attorney takes bowl labeled Babe E. Bear and hands it to Court Reporter.)*

ATTY FOR BEARS: Please mark this Bear's Exhibit B.

*(Attorney hands bowl to Babe E. Bear.)*

ATTY FOR BEARS: And, is this your porridge bowl?

BABE E. BEAR: Yes, it is. My grandma gave it to me when I was a tiny baby. I was just a little cub when she gave it to me. She gave it to me because she knew I liked to eat porridge for breakfast.

ATTY FOR BEARS: And, is that the bowl that was empty when you came back into your house from your walk in the forest?

BABE E. BEAR: Yes it is.

*(Attorney hands bowl to Judge as Exhibit B.)*

ATTY FOR BEARS: And then what did you do, Babe E. Bear?

BABE E. BEAR: I went into my living room and saw that my favorite chair was broken. Grandpa gave me the chair for my second birthday so I could sit with Mom A. Bear and Pop A. Bear. I mainly used it when I watched television. You know my favorite programs are Yogi Bear and football games between the Chicago Bears and the *(insert name of local team)*. Of course, I had to root for the Bears.

ATTY FOR BEARS: Yes, I know. And when you saw your chair what did you say?

BABE E. BEAR: I said, "Somebody's been sitting in my chair and they broke it!" I was really sad about my chair being broken, because it was my favorite.

*(Attorney picks up broken chair and has it marked as Exhibit C.)*

ATTY FOR BEARS: Babe E. Bear, is that your chair?

BABE E. BEAR: *(pouting)* Yes, it is. I really feel sad because it's broken. Pop A. Bear was going to fix it, but he is very slow at doing these things sometimes. I guess Mom A. Bear will have to talk to him about it.

ATTY FOR BEARS: And then what did you do?

BABE E. BEAR: I went upstairs to my bedroom.

ATTY FOR BEARS: And did you make your bed on that morning?

BABE E. BEAR: Yes, I did on that morning because it was Mom A. Bear's birthday. Daddy Bear and I wanted to surprise her because we sometimes, well, most of the time, forget to make our beds. Mom A. Bear scolds us for it.

ATTY FOR BEARS: I see. But did you make your bed that morning.

BABE E. BEAR: Well, Daddy Bear helped me, but we made it, yes. I even put my little pillow neatly at the top of the bed.

ATTY FOR BEARS: And, when you went back upstairs, what did you see?

BABE E. BEAR: *(agitated)* When I went back upstairs, my little pillow was gone! When I approached the bed I saw these golden locks. I then peeked under the covers and saw a little girl, and then I shouted, "Somebody's been sleeping in my bed, and there she is! It's a little girl."

ATTY FOR BEARS: And, what did the little girl do?

BABE E. BEAR: She got up and ran so fast that I hardly saw her. I just saw these golden locks as she ran out of the door.

ATTY FOR BEARS: Is the little girl who was sleeping in your bed here today?

BABE E. BEAR: Well, that little girl over there with the golden hair looks like her, but I really didn't get a very good view. It could be her.

*(Attorney hands pillow that has been marked as Exhibit C to Babe E. Bear.)*

ATTY FOR BEARS: Is this your pillow?

BABE E. BEAR: Yes, it is. My Aunt Cubby made it for me when I was a baby.

ATTY FOR BEARS: Babe E. Bear, you don't have golden hair, do you?

BABE E. BEAR: No, I don't. My hair is brown and furry like my Mommy and Daddy's.

ATTY FOR BEARS: There is golden hair on this pillow. Could that be Gold E. Lock's hair?

BABE E. BEAR: I guess so, it's not mine.

ATTY FOR BEARS: Very well, Babe E. Bear. Do you have anything further to say?

BABE E. BEAR: Well, I don't blame the little girl for wanting to eat the porridge and mommy can always make more porridge, but I wish she hadn't broken my chair. That really is my favorite chair.

ATTY FOR BEARS: Thank you Babe E. Bear.

*(Babe E. Bear gets down.)*

ATTY FOR BEARS: Your honor, that is all of our evidence. The Bears rest.

JUDGE: Very well. We will now hear Gold E. Locks' side of the case.

ATTY FOR LOCKS: Your honor, as my first witness I will call Gold E. Locks.

*(Gold E. Locks gets up, walks forward, raises her right hand to be sworn in. Judge administers the oath. Gold E. Locks then sits down.)*

ATTY FOR LOCKS: What is your name?

GOLD E. LOCKS: My name is Golden Locks. I am also called Gold E. Locks. When I was born, my mother said I had golden locks. And so from that day forward I have been known as Gold E. Locks.

ATTY FOR LOCKS: Where do you live?

GOLD E. LOCKS: I live with my mother Locks, my father Locks, my little baby brother Locks, my kitty cats Spook Locks and Funny Locks at *(insert a local address)*. Oh yes, I also live with my dog, Melissa Locks. Melissa needs a haircut right now.

ATTY FOR LOCKS: Oh, that's very interesting. And is your house located anywhere near the house of Babe E. Bear?

GOLD E. LOCKS: Oh, yes, Babe E. Bear and I see each other quite often while walking in the forest. I like to walk through the forest

and pick flowers. I also like to watch the bunny rabbits and deer in the forest. Babe E. Bear and I also attend the same pre-school, that is (*insert the name of a local school*). My mommy takes me every day in the station wagon to pre-school. Sometimes I take some of the flowers which I have picked in the forest with me.

ATTY FOR LOCKS: And, are your teachers also (*insert name of teachers*).

GOLD E. LOCKS: Yes, they are. We play games and play in the toy kitchen and sing and have a snack.

ATTY FOR LOCKS: And, I'm sure your teachers, along with your mother and father, have told you never to go into a strange house.

GOLD E. LOCKS: Yes, they have. But sometimes I forget, especially when the porridge smells so good!

ATTY FOR BEARS: Now Gold E., on the day in question, were you out walking in the forest?

GOLD E. LOCKS: Yes, I was. I was out picking flowers in the forest early in the morning. I like to go out early in the morning because that's when I see the most bunny rabbits and sometimes I even see a deer.

ATTY FOR LOCKS: And, as you were walking in the forest what did you smell?

GOLD E. LOCKS: I smelled the most yummy porridge coming from a house in the forest. I followed my nose until I came to a brown house which had the name "Bear" on the front. I knocked on the door, but I did not see anybody at home. The smell was so good and I had not had breakfast that morning since Mommy does not fix breakfast until I get back from my morning walk. In fact, sometimes she even goes with me.

ATTY FOR LOCKS: I see. And then what did you do?

GOLD E. LOCKS: I knocked on the door several times but nobody answered. As the door was open, I figured that the people who lived in the house must be close by.

ATTY FOR LOCKS: Did you enter the house?

GOLD E. LOCKS: Yes, I did, but the door was wide open. I followed my nose right to the kitchen. There I saw three bowls of porridge.

ATTY FOR LOCKS: When you saw the three bowls of porridge what did you say?

GOLD E. LOCKS: I said, "Oh, my porridge!"

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: I tasted some porridge from Pop A. Bear's great big bowl. It was too hot. Then I tasted the porridge in Mom A. Bear's medium sized bowl, but it was too cold. Then I tasted some porridge in Babe E. Bear's bowl. It was just right, and I was so hungry I ate it all up.

ATTY FOR LOCKS: Were the Bears in the house while you were eating the porridge?

GOLD E. LOCKS: No, but I figured they must be nearby. I guess I got so excited eating the porridge that I forgot about the Bears.

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: Well, my tummy was so full of yummy porridge that I went into the living room to thank the person who had made the porridge and to tell her how good the porridge was. My mother said I always should say thank you when somebody does something nice for me.

ATTY FOR LOCKS: Did you find anybody?

GOLD E. LOCKS: No, I didn't. So I decided to sit down in a chair to wait for the person to come home so I could tell her how good the porridge was. I wanted her to give me the recipe so I could give it to my Mommy. My Mommy makes good porridge but it doesn't taste quite as good as the porridge I had at the Bears' house. I think it's the pawfuls of raisins that makes it taste so good.

ATTY FOR LOCKS: Did you sit down?

GOLD E. LOCKS: Yes, I did. In fact I sat in this great big chair. But it was too hard and too big. I did not feel comfortable in it. It looked like a poppa's chair. My daddy has one like it at home. Then I sat in a smaller chair, but it was too soft. It was kind of like the chair my mommy sits in at home. Then I sat down in this little chair which seemed to be just right.

ATTY FOR LOCKS: What happened when you sat in the chair?

GOLD E. LOCKS: It broke. But I think the chair was already broken when I sat in it and that it was just sitting there as a decoration. As little as I weigh I am sure my weight would not have broken it if it had not already been broken. I was really sad when I saw the broken chair.

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: I was so sad when I saw the broken chair that I decided to go upstairs and wait for the Bears to come home so I could tell them about it. I went into a room which was decorated like my room at home and sat down on a bed to wait for the Bears to come home. I think I was crying a little bit too, about breaking the chair. Well, the Bears did not come home right away and I must have closed my eyes to wait for them. I fell asleep on Babe E. Bear's bed. The next thing I remember before I fell asleep on Babe E. Bear's bed was that I also tried Pop A. Bear's bed and Mom A. Bear's bed. But they were too hard. I guess I messed their beds up a little bit too, although Pop A. Bear's bed had not been made very well. It looked like he did it himself.

ATTY FOR LOCKS: What do you remember next?

GOLD E. LOCKS: The next thing I remember there were three bears standing around me. Pop A. Bear looked very, very mad and he said, "Somebody's been sleeping in my bed!" Then I heard Mom A. Bear say, "Somebody's been sleeping in my bed!" I was so frightened that I got up and ran right out the door to my mother.

ATTY FOR LOCKS: Gold E. Locks, as I recall your testimony, you ate the porridge because it smelled so good and you were hungry. You had not knocked the door down, but walked in the



open door thinking the people would not care. The chair was broken when you sat down to wait for the maker of the porridge to tell her how good the porridge was, and you accidentally fell asleep on the bed.

GOLD E. LOCKS: That's right.

ATTY FOR LOCKS: You didn't mean anybody any harm did you, Gold E. Locks?

GOLD E. LOCKS: Of course not! It looked like such a friendly house and I knew that Babe E. Bear lived there. I see her at pre-school all the time. She even told me that sometime I should come over and have some porridge with her because her mother made it so good! I really didn't mean to harm anything and I'm really sorry about the chair, but I still don't think I broke it.

ATTY FOR LOCKS: Thank you, Gold E. Those are all the questions. Next I will call Mrs. Locks to the stand.

*(Mrs. Locks goes forward and is sworn in.)*

ATTY FOR LOCKS: What is your name?

MRS. LOCKS: My name is Curl E. Locks.

ATTY FOR LOCKS: Where do you live, Mrs. Locks?

MRS. LOCKS: We live at *(insert localized address)*.

ATTY FOR LOCKS: And are you the mother of Gold E. Locks?

MRS. LOCKS: Oh, yes, I am. She is my little girl.

ATTY FOR LOCKS: What kind of a little girl is Gold E. Locks?

MRS. LOCKS: Gold E., essentially, is a good little girl. She is mischievous like most little girls, but she tries to always do the right thing. Sometimes she forgets. I do have one trouble with her, and that is that she likes to wander through the forest picking flowers. She tells me that she likes to look at the bunny rabbits and the deer. Most of the time I go with her,

but on the morning in question I was getting ready for a bridge club meeting.

ATTY FOR LOCKS: You say Gold E. is essentially a good girl. Does she say please?

MRS. LOCKS: Most of the time.

ATTY FOR LOCKS: And does she say thank you?

MRS. LOCKS: Oh, I have taught her to say thank you and her teachers at school have taught her to say thank you, and she says thank you most of the time when she remembers. But like most little girls, sometimes she forgets.

ATTY FOR LOCKS: Does she help you with the dishes?

MRS. LOCKS: Well, most of the time. But sometimes, especially when the Muppets are on television, she runs downstairs and watches television and forgets to help me with the dishes. But I understand -- especially when the Muppets are on television. That's her favorite show, you know.

ATTY FOR LOCKS: Does she attend pre-school?

MRS. LOCKS: Oh, yes. She goes to *(insert local school)* every day. She enjoys the music and swinging on the swings and the art classes and all the activities. She's really excited about her pre-school.

ATTY FOR LOCKS: Well, this trial is about Gold E. Locks having bad manners. Do you think she has bad manners?

MRS. LOCKS: Oh, goodness no! She does forget occasionally like most little girls do, but I do know she tries to use good manners. I think the only reason she went into the Bear's house was because the porridge smelled so good. And after she ate the porridge she simply wanted to stay there until the Bears returned to tell them how good the porridge was. She certainly didn't intend any harm and I know that she didn't mean to break the chair. But Gold E. has told me that the chair was already broken when she sat in it. You know she's not very big and I do not think she could break

the chair.

ATTY FOR LOCKS: Where is Mr. Locks today?

MRS. LOCKS: Oh, he wanted to be here, but he had a very important meeting. He's a lawyer, you know, and lawyers are always going to very important meetings -- at least that's what he tells me. I'm sure he would say the same thing about Gold E. Locks if he were here.

ATTY FOR LOCKS: Is there anything else you would like to say, Mrs. Locks?

MRS. LOCKS: Well, we're sorry that the Bears were inconvenienced, but if they would like to come to our house for breakfast I would be glad to fix them some of my porridge. Maybe Mrs. Bear could even show me how she makes it so yummy.

ATTY FOR LOCKS: Thank you, Mrs. Locks, you may step down.

*(Mrs. Locks steps down.)*

JUDGE: Are there any summaries?

ATTY FOR BEARS: Your honor, we have shown that Gold E. Locks, without being invited, walked into the Bears' home, ate Babe E. Bear's porridge, broke Babe E. Bear's chair, and slept in her bed. She did all of this without being invited and certainly that meets the test of bad manners. Even though Gold E. Locks knew better, that is no excuse. I'm sure the jury agrees that one who displays good manners does not do such things.

ATTY FOR LOCKS: Your honor, we have shown that Gold E. Locks is basically a good little girl. She has said that she meant no harm in going into the house, and the door was open. The porridge was so good that she could not resist it and after she ate the porridge she merely wanted to wait for the Bears to come home to thank them. She didn't mean to break Babe E. Bear's chair, and in fact there is no real evidence that she broke the chair. I think the chair was broken when she sat in it. She certainly is not big enough to have broken the chair. She is sorry she fell asleep in the bed, but she was

merely waiting for the Bears to come home so she could thank them and to ask them how they make the yummy porridge. She certainly did not display any bad manners, in fact she showed good manners by waiting to thank the Bears.

JUDGE: Thank you. Does that conclude the evidence?

ATTORNEYS: *(both)* Yes, it does.

*(Judge turns to jury)*

JUDGE: You now have heard the evidence. Now it is your job to decide whether Gold E. Locks has bad manners. Will you please go with the Bailiff to the jury room and after you have decided, would you please come back and inform the Court whether Gold E. Locks showed bad manners by entering the house of the three bears and eating the porridge, sitting in Babe E. Bear's chair, and sleeping in Babe E. Bear's bed.

*(Bailiff takes the jurors to the jury room. After a while, jurors come back with a verdict.)*

JUDGE: Have you reached a verdict?

JUROR: Yes, we have, your honor.

JUDGE: What is that verdict?

JUROR: The jury has voted and determined that...

**# # # # #**

## GUIDE TO CONDUCTING MOCK TRIALS\*

### INTRODUCTION

The mock trial has proven to be an effective learning tool for elementary and secondary school students. It helps students develop useful knowledge about the law, questioning techniques, critical thinking, and oral advocacy skills.

Good mock trials will also leave student participants with an appreciation of the difficulties that judges, lawyers and juries face in attempting to present all relevant facts and legal arguments and insure the just resolution of the issues involved.

Below is a brief outline explaining the various types of mock trials that can be presented, how to prepare for and conduct mock trials in the classroom, and how to conduct mock trial competitions with other classes and schools.

### TYPES OF MOCK TRIALS

The mock trial begins where actual trials begin -- with a conflict or a dispute that the parties have been unable to resolve on their own. Mock trials may draw upon historical events, trials of contemporary interest, school and/or classroom situations, or hypothetical fact patterns. Most mock trials use some general rules of evidence and procedure, an explanation of the basic facts, and brief statements for each witness. Other mock trial formats range from free-wheeling activities where rules are created by the student participants (sometimes on the spot) and no scripts are used, to serious attempts to simulate the trial process based on simplified rules of evidence and procedure, to dramatic re-enactments of historical trials in which scripts are heavily relied upon.

### ELEMENTARY MOCK TRIALS

Most of the suggestions in this section apply to secondary mock trials. Some of these are applicable to elementary students as well, but with modifications required by the age of the children.

*Before the mock trial:* Ask children to read the fairy tale, or read it to them. Ask them what happened in the story, and provide opportunities for questions and answers. Then the teacher (or lawyer) may want to introduce the children to the roles of people in the courtroom, and appropriate legal vocabulary. Explain that the children will be conducting a trial to determine guilt or innocence in a criminal trial or to determine liability (fault) in a civil trial. Then pass out the mock trial, and assign parts.

*The trial itself:* Kids will enjoy putting on the play--probably before an audience of

parents, siblings, and well-wishers. The trial can end with the verdict, or you could go on to ask each jury member to present reasons for reaching the verdict.

*After the trial:* If a guilty verdict is reached, ask students about appropriate punishment. In a civil case, ask what damages are appropriate if liability is found. Kids can follow up by converting other fairy tales to mock trials. An attorney could be a resource person throughout the writing process. This will help children learn more about procedures, appropriate questions, objections, and courtroom roles.

### *PREPARING FOR A MOCK TRIAL*

After teaching students about the purpose of trials and the procedure involved, we suggest the following:

- A. Distribute mock trial materials to the students. The facts and basic law involved should be discussed with the entire class. Teachers may develop fact patterns and witness statements (e.g., brief summaries of each witness' testimony), have students develop them, or use the materials provided in this package.
- B. Try to match the trial to the skills and sophistication of your students. For example, if your students are unfamiliar with mock trials, you probably should begin with a simple exercise. Remember that the aim of mock trials isn't always to imitate reality, but rather to create a learning experience for students. Just as those learning piano begin with simple exercises, so those learning mock trials can begin simply and work up to cases which more closely approach the drama and substantive dimensions of the real thing.
- C. Students should be selected to play attorneys and witnesses, and then groups formed to assist each witness and attorney prepare for trial. A case could easily involve the entire class. For example, at least two could be assigned as witnesses and twelve students can serve as the jury.

Such a division of tasks directly involves approximately two dozen students, and others can be used as bailiff, court reporter, judge, and as possible replacements for participants, especially witnesses, in the event of an unexpected absence.

Still other students may serve as radio, television or newspaper reporters who observe the trial and then "file" their reports by making a presentation to the class in the form of an article or editorial following the trial.

- D. Students work in the above mentioned task-groups in class for one or more class periods, with the assistance of the teacher and an attorney or law student. During the preparation time, jurors might explore the role of the jury, the

historical development of the jury system, and other topics related to their part in the mock trial.

Student attorneys should develop questions to ask their own witnesses and rehearse their direct examination with these witnesses. Witnesses should become thoroughly familiar with their witness statements so that their testimony will not be inconsistent with their witness statements. (These statements, which may be considered to be sworn-to pretrial depositions or affidavits, can be used by the other side to impeach a witness who testifies inconsistently with the statement).

On direct examination (that is, either the plaintiff's or defendant's attorneys questioning their own witnesses), questions should not be leading – they should not have the answer included as part of the question. Leading questions may, however, be used in cross-examining a witness in order to impeach the witness' credibility in the testimony.

While some attorney-witness groups are constructing the questions and testimony for direct examination, other attorneys should be thinking about how they will cross-examine the witnesses for the other side. As mentioned, the purpose of cross-examination is to make the other side's witnesses seem less believable in the eyes of those determining the facts of the case (i.e., the jurors in a jury trial or the judge if no jury is used). Leading questions, sometimes requiring only a yes or no answer, are permitted. Frequently it is wise to ask relatively few questions on cross-examination so that the witness will not have an opportunity to reemphasize strong points to the jury.

During cross-examination, for example, the attorneys for the plaintiff might try to suggest that the testimony of the defense witnesses is inconsistent.

### *CONDUCTING A MOCK TRIAL*

- A. Once all preparation has been completed, convert the classroom into a courtroom by rearranging desks as shown in the diagram. It is also helpful to have long tables for each attorney's team to work from; the teacher's desk can serve as the judge's bench.

**Layout of Classroom**

**Judge**

**Bailiff**

**Witness**

**Jury  
Box**

**Defense**

**Prosecution/  
Paintiff**

**Audience**

**Audience**



- B. Conduct the trial with a teacher, students or resource person (perhaps a law student, lawyer or actual judge) as a judge. A student jury may be used. The role of the jury is often minimized in television trials. Students should understand that the jury determines the facts in a case, primarily through their acceptance or rejection of the testimony offered by various witnesses for both sides. The judge deals with questions of law and explains to the jurors the key legal issue in the case.

Participants:

judge (could be a visitor to class with legal experience)

prosecutor(s) or plaintiff's attorney(s) in a civil case

defense attorney(s)

witnesses for the prosecution

witnesses for the defense

bailiff (swears in witnesses and marks evidence)

jury composed of twelve persons, one of whom should be named jury foreman; alternates may also be designated.

C. *Simplified Steps in a Trial:*

1. *Calling of Case by Bailiff:* "All rise. The Court of \_\_\_\_\_ is now in session. Honorable Judge \_\_\_\_\_ presiding."
2. *Opening Statement:* First the prosecutor (criminal case) or plaintiff's attorney (civil case), then the defendant's attorney, explain what their evidence will be and what they will try to prove.
3. *Prosecution's or Plaintiff's Case:* Witnesses are called to testify (direct examination) and other physical evidence is introduced. Each witness called is cross-examined (questioned so as to break down the story or be discredited) by the defense.
4. *Defendant's Case:* Same as the third step except that defense calls witnesses for direct examination; cross-examination by prosecution/plaintiff.
5. *Closing Statement:* An attorney for each side reviews the evidence presented and asks for a decision in his/her favor.

6. *Jury Instructions (Jury Trials Only)*: The judge explains to the jury appropriate rules of law that it is to consider in weighing the evidence. As a general rule, the prosecution (or the plaintiff in a civil case) must meet the burden of proof in order to prevail. In a criminal case this burden is very high. In order that innocent persons do not lose their freedom, the prosecution must set out such a convincing case against the defendant that the jurors believe "beyond a reasonable doubt" that the defendant is guilty. In a civil case, plaintiff has burden of proving his/her case by "a preponderance of the evidence." In most states the entire jury has to be convinced, though a recent Supreme Court case permits (but does not requires) 9-3 verdicts in state noncapital criminal cases. Understanding that a unanimous (or 9-3) decision by the jury is required will help students understand why jury deliberations are sometimes so lengthy.

7. *Deliberation and Decision*: In making a decision, the judge or jury considers the evidence presented and decides which witnesses were most credible.

For educational purposes, it may be best to have the jury deliberate in front of the entire class, instead of retiring to a private place as occurs in actual trials. This will enable students to see first-hand the process of decision making, enabling them to learn what evidence was persuasive and why. Since the student jury may be representative of the community, their deliberations should provide a good analogy to real jury deliberations.

Once the jury reaches a verdict, the jury foreman writes the verdict on a slip of paper and hands it to the judge who reads it in "open court."

8. *Sentencing (Criminal Trials Only)*: After a defendant is found guilty, a study of the defendant's background is usually prepared by a probation officer, who then makes a sentencing recommendation. The judge pronounces sentence.

D. Don't interrupt the trial to point out errors. If a witness comes up with an off-the-wall comment, or if a student playing an attorney fails to raise an obvious objection, let it go. Wait until the debriefing, when you'll be able to put the whole exercise in perspective.

E. Set aside sufficient time for debriefing what happened in the trial. The debriefing is the most important part of the mock trial exercise. It should bring the experience into focus, relating the mock trial to the actors and processes of the American court system.

Students should review the issues of the trial, the strengths and shortcomings of

each party's case, and the broader questions about our trial system. Does our judicial system assure a fair trial for the accused? Are some parts of the trial more important than others? Would you trust a jury of your peers to determine your guilt or innocence? Students should also explore their reactions to playing attorneys, witnesses, jurors, and the judge. What roles do each play in the trial process?

If a resource person has participated in the mock trial, the debriefing is an excellent way to make the most of his or her experience and insights. Since the mock trial is a common frame of reference, the resource person has a natural vehicle for expressing ideas and observations, and students should be better able to grasp the points that are being discussed.

### *MOCK TRIAL COMPETITIONS*

A variety of spin-offs have come from mock trials. One of the most rewarding is the area-wide mock trial competition. These competitions are like single elimination basketball tournaments. That is, teams from different schools compete against each other, with the losers eliminated and the winners proceeding to the next round. (Of course, the same model could be used for competitions between classes within a school.) Many state and local law-related education (LRE) projects have been conducting mock trial competitions for many years. For information, contact the LRE Clearinghouse, Division for Public Education, American Bar Association, Mail Stop 15.3, 541 N. Fairbanks Court, Chicago, IL 60611-3314.

These competitions are real attention-grabbers, which build students' interest, involve volunteers in a creative way, and provide excellent public relations and publicity for your program. The competitions need not be expensive. They can usually take advantage of time donated by lawyers and judges, and judges or law schools can often make courtrooms available at no cost.

There is one point to remember that applies to mock trials at any level. Don't forget that the objective is not the precise replication of an actual trial but a learning experience for you, your students, and even for any resource persons who may be helping out. The emphasis shouldn't be on perfection, but on a nonthreatening exercise with plenty of time for debriefing, enabling the class to go over key points in the trial and better understanding the whole experience. To put it another way, don't forget that mock trials should be both fun and a learning experience.

## Glossary of Legal Terms

### A

**acquittal** A verdict after a trial that a defendant in a criminal case has not been proven guilty beyond a reasonable doubt of the crime charged. Note that the defendant is not found "innocent." The defendant does not have to prove anything; rather, the state is found not to have proved its case.

**admissible** Evidence which can be legally and properly introduced in a civil or criminal trial.

**adversary system** The trial methods used in the U.S. and some other countries, based on the belief that truth can best be determined by giving opposing parties full opportunity to present and establish their evidence, and to test by cross-examination the evidence presented by their adversaries, under established rules of procedure before an impartial judge and/or jury. An **adversary proceeding** is one having opposing parties; contested (differs from **ex parte** proceeding).

### B

**bailiff** A court attendant who keeps order in the courtroom and has custody of the jury.

**bench** The seat occupied by the judge; more broadly, the court itself, as in **bench trial**, a trial heard by a judge without a jury.

**best evidence** Primary evidence; the best evidence available; evidence short of this is "secondary"; i.e., an original letter is the "best evidence," a photocopy is "secondary evidence."

**beyond a reasonable doubt** The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution. This standard of proof does not require that the state establish absolute certainty by eliminating all doubt, but it does require that the evidence be so conclusive that all reasonable doubts are removed from the mind of the ordinary person.

**burden of proof** In the law of evidence, the necessary or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a lawsuit. The responsibility of proving a point—the burden of proof—is not the same as the standard of proof. "Burden of proof" deals with which side must establish a point or points; "standard of proof" indicates the degree to which the point must be proven. For example, in a civil case the burden of proof rests with the plaintiff, who must establish his or her case by such standards of proof as "a preponderance of evidence" or "clear and convincing evidence."

### C

**charge to the jury** The judge's instruction to the jury concerning the law which applies to the facts of the case.

**circumstantial evidence** Evidence which merely suggests something by implication. For example,

physical evidence, such as fingerprints, from which an inference can be drawn. Circumstantial evidence is indirect, as opposed to eyewitness testimony, which is direct.

**clear and convincing evidence** Standard of proof commonly used in civil lawsuits and in regulatory agency cases. It governs the amount of proof that must be offered in order for the plaintiff to prevail.

**conviction** A judgment of guilt against a criminal defendant.

**corroborating evidence** Supplementary evidence that strengthens or confirms the initial evidence.

**cross-examination** The questioning of a witness produced by the other side.

## D

**damages** Money awarded by a court to a person injured by the unlawful act or negligence of another person.

**defendant** In a civil case, the person being sued. In a criminal case, the person charged with a crime.

**direct evidence** Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from circumstantial, or indirect, evidence.

**direct examination** The first questioning of witnesses by the party on whose behalf they are called.

**due process of law** The right of all persons to receive the guarantees and safeguards of the law and the judicial process. Includes such constitutional requirements as adequate notice, assistance of counsel, and the rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront witnesses.

## E

**ex parte** On behalf of only one party, without notice to any other party. For example, a request for a search warrant is an ex parte proceeding, since the person subject to the search is not notified of the proceeding and is not present during the hearing. An **ex parte proceeding** is one in which only one side is represented (differs from adversary system or proceeding).

**exclusionary rule** The rule preventing illegally obtained evidence to be used in any trial.

## H

**hearsay** Evidence that is not within the personal knowledge of the witness but was relayed to the witness by a third party. Hearsay evidence generally is not admissible in court, although there are many exceptions under which it can be admitted.

**hostile witness** A witness whose testimony is not favorable to the party who calls him or her as a

witness. A hostile witness may be asked leading questions and may be cross-examined by the party who calls him or her to the stand.

**hung jury** A jury that cannot reach a verdict.

## I

**impeachment of a witness** An attack on the credibility (believability) of a witness, through evidence introduced for that purpose.

**inadmissible** That which under the rules of evidence cannot be admitted or received as evidence

**instructions** (also called **charge**) Judge's directions to the jury regarding the law in the case and its authority to determine the facts and to draw inferences from the facts in order to reach a verdict

## J

**jury** A certain number of persons selected according to law and sworn to inquire into matters of fact and declare the truth about matters of fact before them. A **grand jury** is traditionally composed of as many as 23 people who decide whether the facts of a criminal case are sufficient to issue an indictment charging a person with a crime. A **petit jury** is an ordinary or trial jury, composed of six to twelve persons, which hears either civil or criminal cases.

## L

**leading question** A question which suggests the answer desired of the witness. A party generally may not ask one's own witness leading questions; leading questions may be asked only of hostile witnesses and on cross-examination.

**liable** Legally responsible for.

## M

**mistrial** A trial which is terminated before a verdict is reached, either because of some extraordinary circumstance, because of fundamental error prejudicial to the defendant (such as an improper drawing of jurors), or because of a hung jury.

## O

**objection** The process by which one party takes exception to some statement or procedure. An objection is either sustained or overruled by the judge.

**overrule** Judge's decision not to allow an objection.

## P

**plaintiff** The person who brings a civil lawsuit.

**preponderance of the evidence** Greater weight of the evidence, the common standard of proof in civil cases.

**prosecutor** A trial lawyer representing the government in a criminal case.

**public defender** Government lawyer who provides free legal defense services to a poor person accused of crime.

## R

**rebuttal** Evidence disproving other evidence previously given or reestablishing the credibility of challenged evidence.

**re-direct examination** Opportunity to present rebuttal evidence after one's evidence has been subjected to cross-examination.

**rules of evidence** Standards governing whether evidence in a civil or criminal case is admissible.

## S

**self-incrimination, privilege against** The constitutional right of people to refuse to give testimony against themselves that could subject them to criminal prosecution. The right is guaranteed in the Fifth Amendment to the U.S. Constitution. Asserting the right is often referred to as "taking the Fifth."

**sentence** A court's determination of the punishment to be inflicted on a person convicted of a crime.

## T

**testimony** Evidence given by a witness under oath; does not include evidence from documents and other physical evidence.

## V

**verdict** Conclusion, as to fact or law, that forms the basis for the court's judgment.

## W

**witness** One who testifies to what he or she has seen, heard or otherwise experienced.

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