

BASIC MOCK TRIAL SCRIPT

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Call to order and opening statements

Bailiff calls court to order: *The Court of _____ County is now in session. Please come to order.*

Judge calls the case, asks if counsel are prepared to proceed:

We are here on the case of State/[name of plaintiff] versus Defendant.

Members of the jury, it will be your duty to listen to all the evidence with an open mind. Please do not form a final opinion about the verdict until all the evidence is heard from both sides. It is important that you not decide the case until you hear all the witnesses and the arguments of counsel.

Is the State/plaintiff prepared to proceed?

State/Plaintiff: *Yes, Your Honor.*

Is the Defense prepared to proceed?

Defense: *Yes, Your Honor.*

Judge: *State/plaintiff, you may make an opening statement.*

Opening Statement:

Thank you, your Honor. May it please the Court.

[Address opposing side] Counsel.

[Address jury] Members of the jury. My name is _____. I represent _____.

In this case, you will hear that _____. [JUST FACTS, don't argue]

At the conclusion of the trial, we will ask that you find the defendant guilty/liable.

Thank you.

Judge: *Defense, you may make an opening statement.*

Opening Statement:

Thank you, your Honor. May it please the Court.

[Address opposing side] Counsel.

[Address jury] Members of the jury. My name is _____. I represent _____.

In this case, you will hear that _____. [JUST FACTS, don't argue]

At the conclusion of the trial, we will ask that you find the defendant not

guilty/liable.

Thank you.

State/plaintiff case

Judge asks State/plaintiff to call first witness: *State/plaintiff, you may call your first witness.*

State/plaintiff: *The State/plaintiff calls _____.*

Bailiff swears in witness: *Do you solemnly affirm to tell the truth, the whole truth, and nothing but the truth?*

Judge asks State/plaintiff to begin questioning. *You may proceed.*

DIRECT EXAM: *Please introduce yourself to the jury.*

Ask open-ended, non-leading questions.

When finished: No further questions.

JUDGE: *Cross examination.*

CROSS EXAM: Ask leading questions (the question contains the fact and is framed in a way that the witness gives only a “yes” or “no”)
When finished: *No further questions.*

Judge: *You may call your next witness.* [REPEAT FOR ALL STATE/PLAINTIFF WITNESSES]

After all State/Plaintiff witnesses, **State/plaintiff** announces “*Your Honor, the State/Plaintiff rests its case.*”

Defense case

Judge asks Defense to call first witness: *Defense, you may call your first witness.*

Defense: *The defense calls _____.*

Bailiff swears in witness: *Do you solemnly affirm to tell the truth, the whole truth, and nothing but the truth?*

Judge asks defense to begin questioning. *You may proceed.*

DIRECT AND CROSS, as above (except defense directs, State/plaintiff crosses)
[REPEAT FOR ALL DEFENSE WITNESSES]

After all defense witnesses, **defense** announces “*Your Honor, the defense rests its case.*”

Closing arguments

Judge: *Members of the jury, both sides having rested their cases, the attorneys will now present closing argument. What the attorneys say is not evidence, but rather their interpretation of the evidence. You are instructed to rely on your own memory of the evidence.*

State/plaintiff, you may proceed with closing argument.

State/plaintiff: *Thank you. [Makes argument] Please find the defendant guilty/liable. Thank you.*

Judge: *Defense, you may make a closing argument.*

Defense: *Thank you. [Makes argument] Please find the defendant not guilty/liable. Thank you.*

Deliberation and verdict

Judge: *Members of the jury, you may now retire to deliberate your verdict. It is your job to weigh the evidence, and determine if the defendant is guilty/liable, or not guilty/not liable. Your verdict must be unanimous – that means you all must agree on the verdict. If you cannot, let me know you cannot. Otherwise, let us know when you have reached a verdict.*

After verdict, foreperson notifies judge.

Judge: *We are back in session. Have you reached a verdict, and if so, what is it?*

Foreperson: *Your Honor, we the jury find the defendant guilty/liable OR not guilty/not liable. So say we all.*

Judge: *Thank you, members of the jury for your service. Court is adjourned.*