# Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# *THE* AMISTAD *CASE*

**Mock Trial Packet II**

[](http://www.redstaplerchronicles.com/wp-content/uploads/2008/04/gavel.jpg)

**Due Dates:**

* **By the end of Prep Day 1**
  + Group Goal Sheet—Class work
  + Witness Statement Graphic Organizer—Class work
* **By the end of Prep Day 2**
  + Complete the appropriate worksheet for your role in the Mock Trial as either a lawyer or a witness.—Classwork
* **Mock Trial**
  + Participate in the Mock Trial

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| **MOCK TRIAL DATE: \_\_\_\_\_\_\_\_\_\_\_\_** |

**BASIC FORMAT FOR THE AMISTAD MOCK TRIAL**

**The format and procedures for the Mock Trial you are participating in are very similar to the ones you have been participating in on the Friday Law Days. Some reminders are provided below.**

1. **Basic Roles in a Civil Mock Trial:**

* ***Plaintiff:*** *a* person who has a claim against another person for damages, property or other relief.
* ***Plaintiff's Attorney:*** a lawyer who represents a plaintiff
* ***Defendant****: a* person who is sued for damages, property or other relief.
* ***Defense (or Defendant’s) Attorney****:* a lawyer who re**p**resents a defendant.

* ***Witness****:* a person who has information relevant to the case in support of the plaintiff or defendant

1. **Basic Presentations in a Mock Trial:**

* ***Opening Statements* –** The role of a lawyer in a case is to provide an analysis of the facts and laws that WILL convince the judge that your client should win. The first step in this process is the lawyer’s opening statement, which serves as a "road map" for these purposes. Opening statements may be dramatic but they must be limited to the evidence which you as lawyer expect to present during the trial. Lawyers generally end opening statements by asking the judge to find in his or her client's favor at the end of the trials.
* ***Witness Testimony****:* Testimony is the evidence presented various witnesses appearing in the trial. Each witness called will be examined by plaintiff’s and defendant’s lawyers as follows:

1. ***Direct Examinations* –** A witness providing direct testimony is on the same side as the lawyer who calls that witness to the stand. The lawyer wants to ask questions that open opportunities for the witness to tell his or her story that would support the client's case. **Most often direct examination questions will focus on “who, what, when, where and why”.** A typical question for a direct examination: *Tell us what happened on the ship Amistad on July 2, 1839?*
2. ***Cross Examinations* -** After Direct Examination, a witness may be cross examined by opposing counsel to help its side of the case. The cross- examining lawyer generally is trying to get the opposing party’s witness to say things that he/she doesn’t want to say or things that may conflict with the witnesses prior statements. **The lawyer might want to ask “isn’t it true that….” or other narrow questions that will pin down the witness by leading to a “yes” or “no” answer.** A typical question for a cross examination: *Isn’t it true that you murdered the captain and cook of the Amistad when you hijacked the ship?*

* ***Closing Arguments*** – Lawyers for each of the parties sum up the evidence and the laws that benefit their client and ask the judge or jury to reach a verdict in their client's favor based on these facts and laws. It may also include an analysis of why the opposing parties’ positions should not be considered by the Court.

**Suggested Mock Trial Sequence (about 2-4 minutes for each presentation):**

* **Opening Statements.** Lawyers for each of the three plaintiffs make their opening statements. They are followed by a lawyer for the defendants.
* **Plaintiff’s Testimony.**  Attorneys for each of the three plaintiffs put on their witnesses for direct examination. After each witness, an attorney for the defendants is allowed to cross examine the witness.
* **Defendant’s Testimony.** After plaintiff’s presentation, an attorney for the defendants puts on its witness for direct examination followed by cross examination after each witness by each of the attorneys for the three plaintiffs.

*Note: The judge may decide to permit additional questions after the attorney’s first cycle of questions (called redirect or recross examination) if it appears important facts have been inadvertently left out.*

* **Closing Statements**. A lawyer for the defendants makes the first closing statement followed by a lawyer for each of the three plaintiffs.
* **Judgment.** The Judge renders a verdict and discusses the results with the class.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Witness Statements Graphic Organizer and Group Goal Sheet**

**Classwork: 25 points**

Group: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Role: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **My group’s goal in the case is to…**

2. **Laws that will help my group to win this case are…. Refer to your law chart. List each law and explain how it will help**

Law 1: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Law 2: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Law 3: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Task: Today you will be working mostly to analyze the witness statements of the case’s primary witnesses. Work together as a group to read through each witness statement and decide which facts will help/hurt your case. This will help you to develop your individual roles more in depth next class. **Classwork: 100 points**

|  |  |  |  |
| --- | --- | --- | --- |
| **Witness** | **Main Points of their testimony/ their goal** | **Points that help our group’s goal** | **Points that hurt our group’s goal** |
| **Cinque/**  **Grabeau**  Circle the examination that applies:  **Direct Examination**  **Cross Examination** |  |  |  |
| **Ruiz/Montez**  Circle the examination that applies:  **Direct Examination**  **Cross Examination** |  |  |  |
| **Lt. Gedney/**  **Richard Meade**  Circle the examination that applies:  **Direct Examination**  **Cross Examination** |  |  |  |
| **Antonio Vega**  Circle the examination that applies:  **Direct Examination**  **Cross Examination** |  |  |  |

**Classwork: 25 points**

3. Now that you have reviewed all the witness statements- it’s time to decide on your argument and strategy as a group.

**What will be your group’s main argument?**

**What facts from the witness statements will help you to prove this argument?**