

Court project for exchanges

The 2 participating groups of the exchange need to cooperate intensively on this project for it to succeed. It is set up in a way that it bridge the time between visits.

Step-by-step plan for the project

Phase 1:

The teacher will first explain to the entire group the goals of the collaboration in this project.

- Intensive cooperation on a school project with someone from another culture will give students the opportunity to learn more about the other culture and about their own perspective. It will help develop intercultural skills.
- Working together on a script in English will improve language skills. Court jargon is a type of language most students are unfamiliar with so together they need to explore a new set of vocabulary which will push them to use a more advanced level of English
- The students are going to use digital ways of communication during the time between visits to work on their assignment and will gain knowledge of digital possibilities available today to cooperate globally.
- During the next visit they are going to re-enact their court case so presenting skills are trained as well.

The entire group will get the instruction for the assignment that will run its course during the exchange.

In groups of four, 2 Dutch and 2 foreign students, they have to come up with a set-up of a fictional court case about an environmental disaster. They need to present it to the group and explain why their storyline would allow for an interesting trial. Make sure to instruct them on the fact that all participants have to have an speaking part in the court case when it is acted out as this assignment is linked to the subject English.

After all the groups have delivered their pitch for their storyline the groups vote for the best one and that is the storyline that will be used. Remind the students that this mock trial will be scripted like a play. Make sure that they add enough reasonable doubt to make the task of the jury a difficult one. The jury will have to debate after the trial if the suspect is indeed guilty or not. Who has done what and who is to blame?

Next the teacher will explain what roles there will be in this court case. The students are asked to divide the roles and note down the names. To make it easier for the students to figure out which role they would like to have the teacher can show them some of the following footage.

Footage for Court Room Project

The Courtroom Movie Supercut

https://www.youtube.com/watch?v=A1Sbj_rITyY

Mock Trial University: Opening Statement | How to Deliver an Opening Statement

<https://www.youtube.com/watch?v=05uaOrBdtbE>

Ms. Erika Wilson demonstrates a proper direct examination.

<https://www.youtube.com/watch?v=bBpylztGz3I>

Mock Trial Florida - Closing Statement

<https://www.youtube.com/watch?v=kf0ABRnvXg0>

Leading Questions on Cross Examination-NY Trial Attorney Explains

https://www.youtube.com/watch?v=AmPj_ZgHNjU

As soon as all the roles are divided the group can be instructed on jargon that they can use so that the script will feel authentic.

There is a lesson plan and a worksheet with cards for that at the end of this instruction. See appendix.

You will also have to write down who is pairing up with whom to work out details of the testimonies and the cross-examinations. The most sensible way to do this is by pairing up the Dutch students with their foreign buddies.

The pairs will have to write out their **questions and answers** of their roles in the trial.

This part of the cooperation is the hardest to monitor and it is smart to appoint two project leaders amongst the participants, one in each country. They need to keep track if all the clues and puzzle pieces combined will result in a script that makes sense. They are also the ones to ask for help from their English teacher.

ROLES

There are several roles to play during the trial. Make sure you have a district attorney from one country and the assistant district attorney from the other country. That the expert being questioned is from one country and the person questioning him from another. Mix and mingle! Be aware of the fact that there is also a third person involved if they decide to cross-examine!

The district attorney (who has to prove that the suspect is guilty)

The assistant district attorney (helps the DA and questions witnesses as well)

The suspect (who has or hasn't committed the crime, the choice is yours)

The lawyers, first and second chair (2 or more, they have to defend the suspect)

The witnesses for the prosecution (with their testimonies they help the DA to prove that the suspect is guilty)

The witnesses for the defence (they can be character witnesses or provide alibis for the suspect)

Obviously you can have **expert witnesses** as well, like for instance police officers, psychiatrists, forensic experts or pathologists.

One teacher will play the judge and the other is **the bailiff**.

Another class or group of students or even parents of participating students will serve as **a jury**.

In a court case you can object to testimonies or lines of questioning. That can be a lot of fun but don't add it if you are running out of time. The preferred length of the court case should be around 1 hour. Longer than that and the jury will have a hard time staying focussed.

We still need to decide when **objection is sustained or overruled**.

Some types of objection

- **confusing**: the question is not clear and precise enough for the witness to properly answer.
- **Argumentative**: the question makes an argument rather than asking a question.
- **Asked and answered**: when the same attorney continues to ask the same question and they have already received an answer.
- **Assumes facts not in evidence**: the question assumes something as true for which no evidence has been shown.
- **Badgering**: counsel is antagonizing the witness in order to provoke a response, either by asking questions without giving the witness an opportunity to answer or by openly mocking the witness.
- **Calls for a conclusion**: the question asks for an opinion rather than facts.
- **Calls for speculation**: the question asks the witness to guess the answer rather than to rely on known facts.
- **Compound question**: multiple questions asked together.
- **Hearsay**: the witness does not know the answer personally but heard it from another.
- **Incompetent**: the witness is not qualified to answer the question.
- **Leading question** (Direct examination only): the question suggests the answer to the witness. Leading questions are permitted if the attorney conducting the examination has received permission to treat the witness as a hostile witness. Leading questions are also permitted on cross-examination, as witnesses called by the opposing party are presumed hostile.
- **Narrative**: the question asks the witness to relate a story rather than state specific facts.
- **Irrelevant or immaterial**: the question is not about the issues in the trial.

Mock trial layout

The following section contains the layout guide for the mock trial. Use this guide for the script of the mock trial. As you will decide the content, this guide may change.

part	MAIN SPEAKERS	What?
1	Judge, Court clerk, defendant, district attorneys,	Opening statements How does a trial start? What do the judge say? What does the court clerk or bailiff say? What is the interaction between the judge and the lawyers of both sides? What do the attorneys say, to whom (opening statements) and

	lawyers	in what order?
2	District Attorney & Witness #1, lawyer & Witness #1	Direct Examination #1: The district attorney calls his/her witness and asks questions. Physical evidence, called exhibits, may be entered into the record. Cross-examination #1: The defence counsel asks the witness questions, trying to discredit the witness and cast doubt on the testimony
3	District Attorney & Witness #2, lawyer & Witness #2	Direct Examination #2: The district attorney calls his/her witness and asks questions. Physical evidence, called exhibits, may be entered into the record. Cross-examination #2: The defence counsel asks the witness questions, trying to discredit the witness and cast doubt on the testimony
4	You go on till all witnesses for the prosecution and victims have been heard	Make sure you mix with your counterparts, so have a Dutch attorney interview an Indian witness or the other way around. Remember you need to learn how to cooperate in a global setting
5	Defence lawyer & Witness #1, district attorneys & Witness #1	Direct Examination #1: Now it's the defence lawyers turn to call his/her witnesses and asks questions. Physical evidence, called exhibits, may be entered into the record. Cross-examination #1: The district attorney asks the witnesses questions, trying to discredit the witness and cast doubt on the testimony
6	You go on till all witnesses for the defence and the defendants have been heard	The district attorney can only cross examine the defendants if they are asked to take the stand by their own lawyers first, if the defendant agrees to testify the district attorneys are allowed to ask them questions after their testimony. In our court case our defendants agree on testifying on their own behalf and will take the stand
7	Judge	Concluding the Presentation of the Evidence What do the judges say? What kind of jury instructions are there?
8	District attorneys and lawyers	Closing Arguments: What are the closing arguments of the two counsels? To whom are they speaking?
9	Judges & Jury	Verdict of Guilty or Not Guilty: Although you may not know what the jury decide, you can still decide how the judges will ask the jury for the verdict. How will the judges respond to both "guilty" or "not guilty"? Write down both possibilities.

Phase 2:

The students work together on writing their script in a digital environment that will help them to stay in touch easily and adjust or comment upon each other's work quickly if necessary. The project managers and both English teachers need to be able to supervise as well. Google offers an easy way to share and supervise.

Make sure to stimulate them to use the jargon and play around with objections of various types. It is wise to have an online environment in which you make the setup of the trial, the jargon and the types of objections available to all. The division of roles and who is teamed up with whom is also to be found there.

It is advisable to have the project managers contact their teachers every so often. So that the teachers can coach the students if necessary.

Phase 3:

At the time of the 2nd visit it is important to explain the rules of the order of event of the trial and see if all the material written by the group fits together or needs to be adapted a bit. As soon as the script is finished and one document it needs to be printed out.

Make sure to give the students the entire script and some time to practise playing their role two by two, e.g. d.a. and witness, attorney and suspect etc.... Pay attention to pronunciation and teachers can be asked to listen and help. If students decide to have present bagged evidence they need to be sure that someone will take care of it. Write down who is responsible for what.

On the night of the trial it is fun to make it into a performance so if you can manage a robe for the judge, a gavel and some other props the whole procedure is going to feel more real.

Instruct the jury on their task, to sit, listen make notes and discuss. The jurors are charged with the responsibility of deciding whether, on the facts of the case, a person is guilty or not guilty of the offence for which he or she has been charged.

The jury must reach its verdict by considering only the evidence introduced in court and the directions of the judge. So if an objection is sustained they have to ignore that part of the testimony. Ask a colleague to be the foreperson of the jury so he or she can help the debate. He or she can later on read out the verdict in English.

It's a lot of fun to have parents take this role if you are organising a cultural evening anyway. But make sure that they know that the debate in the jury can be in Dutch.

If you film the trial it is easier to grade the oral proficiency of your students afterwards and you can just enjoy the proceedings on the night itself.

Appendix

Worksheet and lesson plan jargon

Lesson plan Jargon Court Case

Goal; To get to know the meaning of some legal jargon that can be incorporated into the script.

Starter;

- Do you know any legal terms? Inventory on white sheet of paper
- Watch the clip, write down jargon that you hear.
- Are there now more words you know? Write them down.

Main;

- In pairs, open small envelopes, which words do you recognize, or know? Sort out the words you know from the ones you don't know.
- Make two rows, left the ones you are able to explain to others on the right the unknown words.
- Make a list of the words you don't know.
- Walk around the room to see if other groups have words in their left row and ask them for an explanation. Jot them down.
- In pairs open the bigger envelope, try to match the words with the definitions.

Dessert;

- Check your list of words and definitions with the answer key.
- Highlight the words that are suitable for your specific part in the court room project.
- Incorporate the words in your writing, finish your work at home if necessary

Worksheet cards

1	Accused	The person against whom an accusation is made; one who is charged with a crime or traffic infraction.
2	Admissible	Pertinent and proper to be considered in reaching a decision. Refers to the evidence considered in determining the issues to be decided in any judicial proceeding.
3	Aggravating Factor	A fact or circumstance associated with a criminal act that makes it more serious or injurious.
4	Alleged	Claimed; asserted; charged.
5	Alias	"Otherwise called," indicating one was called by one or the other of two names.

6	Bail	The release of a person from legal custody by a written agreement that he shall appear at the time and place designated and submit himself to the jurisdiction of the court and observe the requirements set forth in the recognizance
7	Contempt of court	Any act which is calculated to embarrass, hinder, or obstruct the court in administration of justice, or which is calculated to lessen its authority or its dignity.
8	Continuance	A postponement of further proceedings in a hearing, trial, or other judicial proceeding until a later date.
9	Convict	To find a person guilty of a criminal charge.
10	Court order	A command or mandatory direction of a judge which is made during a case. Also includes a command of the judge which establishes courtroom or administrative procedures.

11	Crime	A positive or negative act in violation of penal law; an offense against the state classified either as a felony or misdemeanour.
12	Cross-examination	The examination of a witness upon a trial or hearing, or upon taking a deposition, by the party opposed to the one who put him on the witness stand to testify.
13	Custody	The detainment of a person by virtue of lawful process or authority; actual imprisonment.
14	Damages	Money awarded by the court to a person harmed by the unlawful or negligent act of another.
15	Defendant	The party against whom relief or recovery is sought in a court action or suit. Sometimes used to designate the accused in criminal or traffic cases.

16	Detention	The holding of a person in custody or confinement.
17	Direct Examination	The initial questioning of a witness by the party who called the witness.
18	Dismissal	An order disposing of an action, suit, etc., without trial.
19	Evidence	All the means by which a matter of fact, the truth of which is submitted for investigation, is established or disproved.
20	Finding	The result of the deliberations of a court.

21	Guilty	Responsible for committing a criminal offense or a traffic infraction. The word used by an accused in pleading to the charges when he confesses to committing the crime of which he is charged. It is also used by the judge if he finds that the accused committed a criminal offense or a traffic infraction.
22	Incarceration	Imprisonment; confinement in a jail or penitentiary.
23	Jail	A place of confinement for persons awaiting trial and for persons sentenced to shorter terms of confinement for misdemeanors.
24	Judgment	A final decision and order of the court.
25	Jurisdiction	The authority of a court or other governmental agency to adjudicate controversies brought before it.

26	Jury	A body of persons selected from the community to hear evidence and decide a criminal or civil case. Juries are used only in circuit court.
27	Juvenile	A person under the age of 18.
28	Minor	An infant or person who is under the age of legal competence. One under 18.
29	Mistrial	A trial that is cut short and does not result in a verdict due to a procedural error or other problem. The trial must then start over from the beginning.
30	Mitigating Factor	A fact or circumstance associated with a criminal act that, while not an excuse or justification, may reduce its severity and result in a lesser sentence.

31	Motion	A request made to the judge by a litigant or other person connected with the case for a ruling or order.
32	Notary	A public officer whose function it is to administer oaths; to attest and certify, certain classes of documents; to take acknowledgments, and certify the same.
33	Not Guilty	A finding or verdict in a criminal case wherein the judge or jury determines that the Commonwealth has not proven that the defendant is guilty of a charge. Also the plea that may be made by a defendant to assert that he or she is not guilty and to demand that the Commonwealth prove its case.
34	Objection	A protest or exception made by a party against an action by the opposing party.
35	Perjury	A criminal offense committed by giving a false statement given under oath.

36	Plea	Statement made by the defendant either as to his guilt or innocence to the charge made against him.
37	Probable cause	A reasonable ground for belief in the existence of facts warranting the proceedings complained of (e.g., probable cause to believe that a crime has been committed and that the person accused may have committed it).
38	Reasonable Doubt	The degree of certainty beyond which the Commonwealth must prove its accusations in order to obtain a criminal conviction.
39	Search warrant	An order in writing, issued by a judicial officer, in the name of the state, directed to a sheriff, or other officer commanding him to conduct a search to aid an official investigation.
40	Sentence	The judgment formally pronounced by the judge upon the defendant after his conviction in a criminal prosecution, setting the punishment for the offense.

41	Subpoena	A process to cause a witness to appear and give testimony, commanding him to appear before a court therein named at a time therein mentioned to testify for the party named under a penalty therein mentioned.
42	Verdict	The formal decision or finding of guilt or innocence made by a judge in a criminal case.
43	Waive	To abandon, renounce, repudiate or surrender a claim, a privilege, a right, or the opportunity to take advantage of some defect, irregularity or wrong.
44	Witness	One who testifies to what he has seen, heard or otherwise observed and who is not a party to the action.