The North Carolina Bar Association Foundation is pleased to present the 2014-15 Court for Kids ELEMENTARY MOCK TRIAL COMPETITION

Court for Kids is a free educational mock trial activity open to 3rd through 5th graders in all schools, public and private, and other organizations in North Carolina. The goal of this activity is to promote students’ understanding of the law and our justice system.

The activity consists of two parts:
1. the writing of mini-mock trials
2. the winners of the mini-mock trials will be brought to the Bar Center or Regional Courthouse to present their trials live (starting in the 2015-16 Competition)

Modeled after the New Jersey State Bar Foundation’s Law Fair (tinyurl.com/njlawfair)
Contest Rules and Procedures

Teachers of 3rd through 5th graders, and their classes or clubs, are invited to write and create original mock trial cases. The cases must be suitable for use in the classroom as a tool to teach students about legal issues.

Entries will also be accepted from adults who teach Boy or Girl Scout troops, home schools or other organizations.

Each mock trial must have two witnesses for each side, i.e., two for the prosecution/plaintiff and two for the defense. Fifth grade students may have three witnesses for each side.

You and your students must develop an original case. **Cases must be balanced.** A balanced case means that based on the witnesses’ statements and the stipulated facts, it appears equal and that either side could win in a court of law.

Cases based upon fairy tales, novels, videos or TV programs are discouraged. Cases should focus on issues of interest to the students in grades 3-5; however, we encourage topics that are non-fiction, such as Salem Witch Trials or goals required under the N.C. Standard Course of Studies for 3-5th grade. Although the cases you write may include some fictional elements, they should stay true to the historical facts as we know them. You may set your case in the past, present or future.

Your case can be civil or criminal. **Do not confuse civil and criminal matters.** In a criminal case, the prosecutor presents the case for the state against the defendant. In a civil case, the attorney(s) for the plaintiff present the case on behalf of their client against the defendant. Defense attorneys represent the defendant.

Therefore, if you decide to write a criminal case, you should list your witnesses under “Prosecution Witnesses.” If the case is a civil matter, the witnesses should be listed under “Plaintiff’s Witnesses.” Make sure that you present the prosecution/plaintiff witness statements before those of the defense.

In a civil case, the plaintiff must prove his or her case by a preponderance of the evidence (the greater weight of the evidence).
The plaintiff must prove that the defendant is at fault. Do not use the term “guilty” in a civil case. In the sample criminal trial which follows on pages 2 and 3, the standard of proof is more difficult, i.e., beyond a reasonable doubt.

Your case should take no more than 15 minutes to perform. Keep your facts and witness statements as concise as you can without sacrificing content.

Please use the format shown in the sample mock trial on the next page when preparing your case. Since the winning entries will be published, all writing should be free of spelling and structural errors.

Please encourage students to proofread and correct their work before submitting it. Spellcheck does not equal proofreading.

As with any competition, not all entries win, but your students can be winners. You can have them present their trial to their parents, or even have an assembly with their grade levels. Some teachers make arrangements at local courthouses to go and visit as well as perform their trials in a real courtroom. These are all wonderful follow-up activities to add the experiential learning to the writing activity.

Sample Mock Trial

The following is a sample criminal mock trial case from “Putting on Mock Trials,” published by the American Bar Association. Copyright ABA. Source: Article by Jennifer Bloom in Update on Law-Related Education, Winter 1986.

Please use this format when preparing your case. Include all of the number elements in this sample mock trial. Do not add any additional elements beyond the required eight. Entries that do not follow this format will not be considered. The sample case is intended only as a guide. Your witness statements can be longer than these, as long as your entire case does not exceed 15 minutes. All writing should be free of spelling and structural errors. Please encourage students to proofread and correct their work before submitting it.
The Case of the Broken Windows: State v. Tony

1. FACTS (Relay the facts of the case without expressing opinions or drawing conclusions. Present a concise summary of the facts of the case, but do not include testimony.)

Tony and several of his friends were riding their bikes around the neighborhood on Friday, March 15, 1985. At about 6 p.m., a few kids from a different neighborhood rode by Tony and his friends and dared them to throw stones at Mr. Wiley's windows. Mr. Wiley is an old man who often tells the children to stay off his property. Several windows were broken, and when Mr. Wiley ran out of his house to stop the children, he recognized Tony. The state has now charged Tony with the crime of vandalism.

2. ISSUE
Did Tony throw the stones that broke Mr. Wiley's windows?

3. WITNESSES
For the prosecution, Mr. Wiley and Leslie the paper carrier; for the defense, Tony and Sandy.

4. WITNESS STATEMENTS
Mr. Wiley: I have lived in this neighborhood for 47 years. My wife and I built our little house when we were married. My wife died five years ago. Since then, I have been a victim of many attacks of vandalism. On Friday evening, March 15, 1985, I was watching the 6 p.m. news when I heard glass breaking on my front porch. I ran out my back door and around the house to see what was going on. I saw lots of kids. I recognized Tony because he lives down the block and often rides his bike past my house. It was clear to me that this group of kids was responsible for breaking my windows. In fact, Tony had a rock in his hand and was getting ready to throw it.

Leslie, the paper carrier: I have delivered newspapers in Mr. Wiley's neighborhood for three years. On Friday, March 15, 1985, I was delivering a newspaper to Ms. Crowley, who lives three houses away from Mr. Wiley, when I heard kids screaming and then I heard breaking glass. I ran over to Mr. Wiley's house. I saw about 10
children on the front yard. Tony and another kid were pushing each other. It looked to me like the other kid was trying to stop Tony from throwing a stone. I did not see anyone throw stones.

**Sandy:** Tony and I were out riding our bikes with some other friends on Friday, March 15, 1985. We were riding up and down Tony’s block when a bunch of kids we didn’t know rode up to us and started teasing us. They dared us to throw stones at grouchy old Mr. Wiley’s windows. We tried to ignore them. They threw a stone and hit a front porch window. Then they threw some more stones. I think a couple of windows were broken. Tony and I and our friends stood and watched. When one of the other kids picked up a stone to throw, Tony tried to stop him. Then Mr. Wiley came around the house. The other kids said they didn’t throw the stones, they said that Tony did. I think they were mad at Tony because he tried to stop them. Tony is a real nice friend; he wouldn’t try to break Mr. Wiley’s windows.

**Tony:** I was riding my bike with my friends on Friday, March 15, 1985. It was almost getting dark when a bunch of kids we didn’t know rode up to us and started bugging us. They wanted us to throw rocks with them. They were going to try to break some of Mr. Wiley’s front porch windows. Even though I don’t like Mr. Wiley very much, we said we wouldn’t do that. I saw one kid standing next to me pick up a rock. I tried to take it out of his hand so he wouldn’t throw it. That’s when Mr. Wiley came around the corner. Leslie, the newspaper carrier, also showed up. I did not throw any stones.

**5. INSTRUCTIONS**
The prosecution must set out such a convincing case against the defendant that they jury believes “beyond a reasonable doubt” that the defendant is guilty.

**6. SUB-ISSUES**
   a. Was it too dark to see clearly?
   b. Was Tony throwing stones or stopping someone else from throwing stones?
   c. Was Mr. Wiley “out to get Tony” because he rides his bike around his house?
   d. Did Tony dislike Mr. Wiley enough to break his windows; was there motive?
   e. Which witness should be believed?
7. CONCEPTS
a. Circumstantial evidence vs. direct proof.
b. Credibility of witness.
c. Burden of proof: beyond a reasonable doubt.

8. LAW
Whoever intentionally causes damage to physical property of another without his or her consent is guilty of a misdemeanor and will be sentenced to imprisonment for not more than 90 days or payment of a fine of not more than $500 or both.

Regarding the "law" portion of your case, you may create a law for your case, or it may be based upon an actual state or federal statute. Whether you create a law or rely on an actual law, you must follow the law and be consistent.

How to Enter

Teachers will fill out an Intent to Compete form. When teachers make their submission/s on behalf of their students they should provide a separate entry form for each mock trial with a list of the students who helped write the case. Individuals cannot enter on their own.

Entries must be typed, double-spaced and titled. Indicate in the case title who is bringing suit against whom. For example, in the sample case provided on pages 2 and 3, the prosecution is charging Tony with a crime. Therefore, the case is entitled “The Case of the Broken Windows: State v. Tony.” Do not submit videotapes, DVDs, or audiotapes. Only entries that follow the rules will be considered. Please submit two copies of each case you enter. Remember to have an entry form and names of all students who helped prepare the case stapled to the case. (Please save your case. If your case wins, we will ask you to email it as a Microsoft Word document at a later date.) Teachers should fill out the form completely and sign it. Mail to: North Carolina Bar Association (NCBA), LRE – Court for Kids, 8000 Weston Parkway, Cary, NC 27513

The deadline for receipt of entries is May 1, 2015, and winners will be notified May 18, 2015. All entries must be received at the NCBA on or before this date. We cannot accept emails or faxed entries.
All entries received must be considered final. We cannot accept revisions after you have submitted your entry/entries.

Check your entries carefully before submitting. Look for spelling, punctuation, grammatical and Typographical errors, and make sure you have numbered and included all the required elements and pages of your case. Judges will take these factors into consideration.

It is strongly recommended that you conduct a “dress rehearsal” of your case before submitting it. Students should play the roles of attorneys, witnesses and jurors. This will accomplish a number of things:

1. It will help to spot problems in the facts and/or testimony;
2. It will give you and your students advance practice in presenting the case in the event you win; and
3. It is a very effective way to teach law in the classroom.

To learn more about the parts of a mock trial and the various roles within it, we strongly recommend that you order a copy of the ABA’s booklet, “Putting on Mock Trials,” for $9.95. It is also available online at http://www.classbrain.com/artteensm/uploads/mocktrialguide.pdf. You should also download past Law Fair Mock Trial Exercises for Grades 3 through 6 from the New Jersey State Bar Foundation link, njsbf.org. These booklets feature winning cases from New Jersey’s Law Fair Competitions, which Court for Kids is modeled after.

For optional activities, you may want to arrange a visit to a local courthouse or interview local prosecutors and lawyers. To observe a real trial, contact the clerk of your county courthouse or municipal court. Call your county prosecutor’s office to request an interview with a prosecutor. If you want to interview attorneys in your community, consider contacting your school board’s attorney or your local bar association.

Teachers may enter as many cases as they wish for each grade level, from third through fifth. You must submit a separate entry form for each case. You may photocopy the entry form. If you are submitting more than one case for each grade, the cases must be written by different students. Since this is a group activity, you should not assign only one or two students to write the case. At least three students must write the case together.
Entries from only one or two students will be disqualified.

The goal is to involve as many students as possible in this exercise. An entry written by a combination of students from different grade levels will be judged at the highest grade level. For example, if third and fourth graders prepared the case, you must check off grade 4 on the entry form.

Judging Criteria

All entries should help to promote understanding of the law and how our justice system works. Cases must help to teach students about legal issues. The case(s) you enter should not be overly complex. Entries should be generated, developed and written by the students, and the final product should be appropriate to the grade level. Judges will take these factors into consideration.

In order to ensure that all winning cases are appropriate for the students who will present and for the audience who will view them, cases involving sexual or mature subject matter will not be accepted. Please remember that if your case wins, your students must play the roles of the witnesses they have created (this portion of the competition will not begin until 2015-16 school year).

Your entry/entries should be both educational and enjoyable. The quality of the writing (grammar, punctuation and spelling) will enter into the determination of the winners. You will also be evaluated on originality and how well you followed the Rules and Procedures. Please use fictitious names unless you are writing a non-fiction case. If you are using any material from other sources, please provide footnotes and/or a bibliography.

Winners will be selected in each grade level. Winning schools will receive plaques, and teachers and students will receive personalized certificates.

If you have questions or would like more information, please contact Diane Wright at dwright@ncbar.org or 1.800.662.7407.