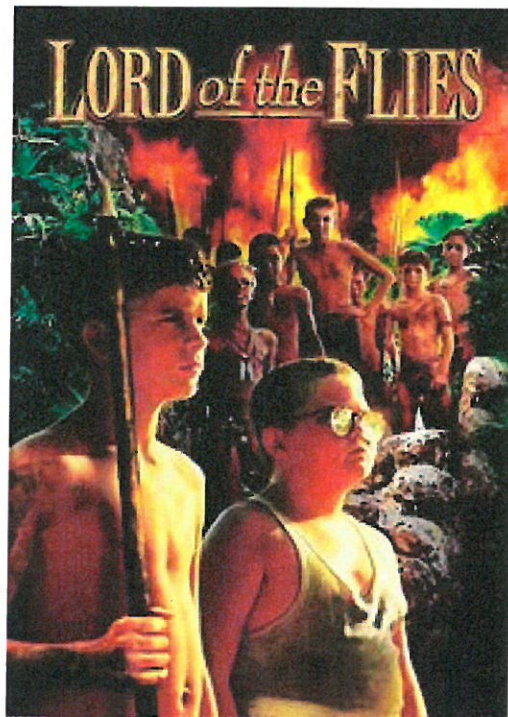


*Estates of Peterkin Mathews and Simon
Peterson v. Jack Merridew
(Lord of the Flies)*



Mock Trial Packet

Name: _____

What's Your Role?

The court system has many participants. In this mock trial, your teacher will allow you some choice in the role that suits you best. However, your teacher CANNOT GUARANTEE your first choice, which is why you will **select 7 top choices**.

Convince your teacher you are perfect person for your part! **Place a 1-7 in the order of preference of these roles (1 is your top choice, 7 is your last)**. Then at the bottom, **write why you think you will do a great job with your top 2 choices**.

_____ **Plaintiffs' Attorney** *(think on your feet, deliver part of a story well, ask quality questions, defend your clients' interests)*

_____ **Defense Attorney** *(think on your feet, deliver part of a story well, ask quality questions, defend your client's' interests)*

_____ **Witness** *(Create a character or play a role from a story. Be able to put yourself in the character's place and use the information provided to develop that character's personality with conviction and believability)*

Convince me why you are perfect for your 1st and 2nd choice roles (you can continue to write on the back):

Steps in a Trial

(Sequence of Events)

Opening:

1. Judge enters the room and everyone rises to honor him or her
2. Judge calls for the rest of courtroom to sit down
3. Judge asks teams if they are ready to proceed; Teams respond "yes, your Honor."

(Clerk keeps time for each part going forward)

4. Plaintiff/Prosecution Attorney(s) makes opening statement
5. Defense Attorney(s) makes opening statement

Plaintiff's Case:

6. Plaintiff/Prosecution Attorney calls Plaintiff/Prosecution Witness #1 to the stand
7. Clerk leads Witness #1 in oath to tell the truth
8. Plaintiff/Prosecution Attorney direct examination of Plaintiff/Prosecution Witness #1
9. Defense Attorney cross examination of Plaintiff/Prosecution Witness #1
10. Plaintiff/Prosecution Attorney re-direct of Plaintiff/Prosecution Witness #1 (if desired)
11. Plaintiff/Prosecution Attorney calls Plaintiff/Prosecution Witness #2 to the stand
12. Clerk leads Witness #2 in oath to tell the truth
13. Plaintiff/Prosecution Attorney direct examination of Plaintiff/Prosecution Witness #2
14. Defense Attorney cross examination of Plaintiff/Prosecution Witness #2
15. Plaintiff/Prosecution Attorney re-direct of Plaintiff/Prosecution Witness #2 (if desired)

Defense Case:

16. Defense Attorney calls Defense Witness #1 to the stand
17. Clerk leads Witness #1 in oath to tell the truth
18. Defense Attorney direct examination of Defense Witness #1
19. Plaintiff/Prosecution Attorney cross examination of Defense Witness #1
20. Defense Attorney re-direct of Defense Witness #1 (if desired)
21. Defense Attorney calls Defense Witness #2 to the stand
22. Clerk leads Witness #2 in oath to tell the truth
23. Defense Attorney direct examination of Defense Witness #2
24. Plaintiff/Prosecution Attorney cross examination of Defense Witness #2
25. Defense Attorney re-direct of Defense Witness #2 (if desired)

26. Defense Attorney calls Defense Witness #3 to the stand

27. Clerk leads Defense Witness #2 in oath to tell the truth
28. Defense Attorney direct examination of Defense Witness #2
29. Plaintiff/Prosecution Attorney cross examination of Defense Witness #2
30. Defense Attorney re-direct of Defense Witness #2 (if desired)

Closing:

31. Plaintiff/Prosecution Attorney(s) makes closing statement
32. Defense Attorney(s) makes closing statement

Verdict:

33. Bailiff calls the courtroom to order & all stand while Judge returns
34. Judge reads the verdict
35. Judge provides feedback to everyone who participated in the Mock Trial Program

RCW 4.20.010

Wrongful death—Right of action.

(1) When the death of a person is caused by the wrongful act, neglect, or default of another person, his or her personal representative may maintain an action against the person causing the death for the economic and noneconomic damages sustained by the beneficiaries listed in RCW 4.20.020 as a result of the decedent's death, in such amounts as determined by a trier of fact to be just under all the circumstances of the case.

(2) This section applies regardless of whether or not the death was caused under such circumstances as amount, in law, to a felony.

[2019 c 159 § 1; 2011 c 336 § 89; 1917 c 123 § 1; RRS § 183. FORMER PARTS OF SECTION: 1917 c 123 § 3 now codified as RCW 4.20.005. Prior: 1909 c 129 § 1; Code 1881 § 8; 1875 p 4 § 4; 1854 p 220 § 496.]

NOTES:

Retroactive application—2019 c 159: "This act is remedial and retroactive and applies to all claims that are not time barred, as well as any claims pending in any court on July 28, 2019." [2019 c 159 § 6.]

Name: _____

Plaintiff's Theory of the Case

REMEMBER: A case theory is a **detailed and accurate story** of what occurred in the case at trial. It is how you tell the story of your side of the matter.

In a civil case, Plaintiffs must present a case theory that shows they are entitled to the relief that is sought in their Complaint. Plaintiffs must prove to the jury their theory of the case is more true than not true.

A good case theory is:

- Based on strong facts and inferences that can be fairly drawn from these facts;
- Built on facts not subject to much, if any, dispute;
- Consistent with any incontestable fact;
- Takes into account and explains away as many unfavorable facts as possible;
- Accepted by the trier of fact without having to stretch the imagination;
- Not based on wishful thinking about any aspect of the case.

Briefly tell the story about what happened from the Plaintiffs' point of view keeping in mind the points above:

(Continued on back)

What will Plaintiffs' need to convince the jury?

What might be Plaintiffs' main themes (words, phrases, ideas to repeat and emphasize to the judge and jury):

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

How does Plaintiffs' theory/story connect to the claim of Wrongful Death?

Name: _____

Defense Theory of the Case

REMEMBER: A case theory is a **detailed and accurate story** of what occurred in the case at trial. It is how you tell the story of your side of the matter.

In a civil case, the Defense must present a case theory that shows plaintiffs do not have enough "preponderance of the evidence" to entitle them to the relief they claimed. That means Defense must show the jury that their theory of the case is *more true* than what the plaintiffs claim.

A good case theory is:

- Based on strong facts and inferences that can be fairly drawn from these facts;
- Built on facts not subject to much, if any, dispute;
- Consistent with any incontestable fact;
- Takes into account and explains away as many unfavorable facts as possible;
- Accepted by the trier of fact without having to stretch the imagination;
- Not based on wishful thinking about any aspect of the case.

Briefly tell the story about what happened from the Defendant's point of view keeping in mind the points above:

(Continued on back)

What will Defense need to convince the jury?

What might be the Defense's main themes (words, phrases, ideas to repeat and emphasize to the judge and jury):

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

How does Defendant's theory/story disprove the claim of Wrongful Death?

Name: _____

Eyewitness Affidavit Outline

Use this outline to help you read through the witness affidavit to begin analyzing this witness' role in the trial.

Witness Name: _____

Witness Age: _____

Witness Occupation: _____

Witness Talent/Skills: _____

Witness Handicap(s): _____

Witness' Relationship to the Case: _____

What the witness saw (from their point of view):

Additional research/information needed for help in answering possible questions:

Name: _____

Witness Profile

Complete this template if you are acting as one of the witnesses in the trial.

Witness: _____ For the (circle one): **Plaintiffs** / **Defense**

My motivation to testify is:

My testimony is strongest on these issues:

- 1.
- 2.
- 3.
- 4.

My testimony is weakest on these issues, and here is how I'm going to deal with that:

- 1.
- 2.
- 3.
- 4.

How I will relate to the direct-examination attorney when they question me:

How I will relate to the cross-examination attorney when they question me:

How I will relate to other witnesses:

(Continued on back)

Witness Character Development

My character's social status:

My character is ____ years old (as far as I can tell)

Eight adjectives that describe my character:

- | | |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

The person/issue/thing most important to my character is:

I like my character because:

I don't like my character because:

Name: _____

Witness Analysis Form

Witness Name: _____

For the (circle one): **Plaintiffs** **Defense**

Strengths and Weaknesses of Witness

Strengths as Witness in this Trial (list as many as you can think of)	Weaknesses as a Witness in this Trial (list as many as you can think of)

Issues and Level of Importance (on a scale of 1 to 5; 1 = most important)

Issue with this witness (positive or negative)	Importance for Plaintiff (1-5)	Importance for Defense (1-5)

Note on location of supporting key facts in Witness Affidavit or Exhibits

Key Fact	Location (Page & Line #)

Thoughts, questions, comments, and tasks to achieve with this witness:

- 1.
- 2.
- 3.
- 4.

Name: _____

Exhibit Analysis Form

Exhibit # _____

Description of Exhibit:

How might **Plaintiffs** use this exhibit? (background information, to prove some facts, for drama?)

1.

2.

3.

How might **Defense** use this exhibit? (background information, to prove some facts, for drama?)

1.

2.

3.

With which **Witnesses** might this exhibit be used & why?

1.

2.

3.

Are there any reasons **NOT** to use it?

1.

2.

3.

Name: _____

Opening Statement Preparation Form

The attorneys from both sides present their theory/story to the judge and jury as the trial begins. This is their opportunity to begin the trial with the jury hearing their version and having it foremost in their minds as testimony begins.

Write a paragraph of your side's theory of the case:

List the themes (words and phrases) you want to weave into your opening:

List your witnesses and which facts they each will testify to:

Identify who has the burden of proof and what the burden is for this case:

Write down what your side wants the jury to do ("please decide a verdict for the plaintiff/defense").

Opening Statement Guide:

Your Honor, members of the jury, my name is _____, and I
represent _____ in this case. We intend to prove that _____
_____.

Witness _____ will testify that _____
_____.

Witness _____ will testify that _____
_____.

Witness _____ will testify that _____
_____.

When you have heard all the facts, please decide a verdict for the _____.

Name: _____

Direct Examination of Eyewitness Preparation Worksheet

Direct examination is when the attorney questions their own witness. They are telling the same story. During direct, the attorney:

- "disappears" as a major presence, giving prominence to the witness
- asks OPEN ENDED QUESTIONS (start with Who, What, Where, When, Why, How)
- gives room to the witness to tell their story
- takes a chronological approach to tell the story

Witness: _____

Background questions to get to know the witness and why they are in Court:

1.

2.

3.

Questions to help the witness tell their story (start with Who, What, Where, When, Why, How):

1.

2.

3.

Ending question/statement to conclude with something you want the jury to remember:

List some possible re-direct questions (to follow up after the other side cross-examines your witness):

1.

2.

3.

Name: _____

Cross Examination of Witness Preparation Worksheet

Cross examination is when the attorney questions an opposing witness. The attorney wants to keep their own theory of the case prominent so will try to limit what the witness can answer. During cross, the attorney:

- asks CLOSED ENDED QUESTIONS (only "yes" or "no" answers possible)
- asks for only one new fact per question
- asks questions only for which you know what the answer will be
- does not argue with the witness
- uses 3 strong approach points (three major areas to question)
- includes page and line numbers with questions so you know where to look if you believe the witness has not kept to their previous testimony or their testimony may be false (called "impeaching the witness").

Witness: _____

Approach Point 1 (a **strong** area for your side)

List your main questions & themes. Begin with: "Now let's talk about..."

- 1.
- 2.
- 3.

Approach Point 2 (your **weakest** area)

List your main questions & themes. Begin with: "Now let's talk about..."

- 1.
- 2.
- 3.

Approach Point 3 (your **strongest** area)

List your main questions & themes. Begin with: "Now let's talk about..."

- 1.
- 2.
- 3.

Name: _____

Closing Argument Preparation Form

The attorneys from both sides present their final argument to the judge and jury at the end of the trial. This is their opportunity to leave the jury with their version of the case. The Closing Argument should try to show witness testimony supports your theory of the case and what was proven (or not proven) during the trial.

Write an opening to your Argument that restates the theory of your case (1-2 sentences):

List the themes (words and phrases) you want to weave into your opening and throughout your argument:

List what the witnesses said (predict this but be prepared to adjust based on testimony during the trial):

List what key facts the exhibits showed (predict this but be prepared to adjust based on testimony during the trial):

Identify who has the burden of proof and what the burden is for this case - did your side prove what it needed to?

Write down what your side wants the jury to do ("please decide a verdict for the plaintiff/defense").

Closing Argument Guide:

Your Honor, members of the jury, today you heard testimony about: _____
_____.

I would like to remind you of important information about this case that you should think about
as you make your decision: _____

_____.

When you have heard all the facts, please find for the _____. Thank you.

Mock Trial Script

Note to Teachers:

This is a complete script of a mock trial to help the students visualize and practice the lines and proper courtroom etiquette of a trial.

The specific statements of different characters are included, along with space for filling in original content in preparation and for use during the trial.

It can also be used as an option way for observing students to follow the trial as it happens to be used for reflection afterward.

This outline is adapted for a civil case and use in *Estates of Peterkin Mathews and Simon Peterson v. Jack Merridew*. However, it can be adapted to any trial and can be useful as both a preparation and a note taking resource.

Name: _____

Estates of Peterkin Mathews and Simon Peterson v. Jack Merridew

Mock Trial Script

Bailiff: Please rise. The Circuit Court of Cedar River Montessori School is now in session, the Honorable _____ presiding.

Judge: Today the court will determine whether the plaintiffs prove that the defendant caused the wrongful death of Peterkin Mathews and Simon Peterson. The court must find a verdict based on a preponderance of the evidence, or the most convincing evidence and facts presented. If the plaintiffs show more evidence for their argument, the court must find for them. However, if the plaintiffs do not show enough evidence for their argument, the court must find for the defendant. Bailiff, please announce today's case.

Bailiff: Your Honor, today's case is the Estates of Peterkin Mathews and Simon Peterson v. Jack Merridew

Judge: Are the Plaintiffs ready?

Plaintiff Attorneys & Plaintiffs: (stand up) Yes, your Honor. (be seated)

Judge: Is Defense ready?

Defense Attorneys & Defendant: (stand up) Yes, your Honor. (be seated)

~~~~~ **Opening Statements** ~~~~~

**Plaintiff Attorney Opening Statement:**

Your Honor, members of the jury, my name is \_\_\_\_\_, and I

represent \_\_\_\_\_ in this case. We intend to prove that

1.

2.

3.

When you have heard all the facts, please decide a verdict for the Plaintiffs.

**Defense Attorney Opening Statement:**

Your Honor, members of the jury, my name is \_\_\_\_\_, and I

represent \_\_\_\_\_ in this case. We intend to prove that

1.

2.

3.

When you have heard all the facts, please decide a verdict for the Defense.

**First Plaintiff Witness**

**Judge:** Thank you. Plaintiffs, you may call your first witness.

**Plaintiff Attorney:** Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff.

(witness proceeds to witness chair then stands facing the bailiff)

**Bailiff:** (to the witness) Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Witness:** Yes / I Do. (sit down in witness chair)

**Plaintiff Direct Examination:** Hello. Please state your name for the Court.

Plaintiff Direct Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).

**Judge:** Defense may cross-examine the witness.

**Defense Attorney:**

Defense Cross-Examination Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).



**Judge:** Plaintiffs, do you have any re-direct questions?

**Plaintiff Attorney:** No, Your Honor / Yes, Your Honor (if Yes, proceed with two quick follow up questions)

**Judge (to witness):** You may step down. (witness return to audience seat).

---

### **Second Plaintiff Witness**

**Judge:** Thank you. Plaintiffs, you may call your first witness.

**Plaintiff Attorney:** Thank you, your Honor. I call to the stand \_\_\_\_\_  
\_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff.

(witness proceeds to witness chair then stands facing the bailiff)

**Bailiff:** (to the witness) Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Witness:** Yes / I Do. (sit down in witness chair)

**Plaintiff Direct Examination:** Hello. Please state your name for the Court.

Plaintiff Direct Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).

**Judge:** Defense may cross-examine the witness.



**Defense Attorney:**

Defense Cross-Examination Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).

**Judge:** Plaintiffs, do you have any re-direct questions?

**Plaintiff Attorney:** No, Your Honor / Yes, Your Honor (if Yes, proceed with two quick follow up questions)

**Judge (to witness):** You may step down. (witness return to audience seat).

~~~~~ **Defense Case** ~~~~~

First Defense Witness

Judge: Thank you. Defense, you may call your first witness.

Defense Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff.

(witness proceeds to witness chair then stands facing the bailiff)

Bailiff: (to the witness) Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Witness: Yes / I Do. (sit down in witness chair)

Defense Direct Examination: Hello. Please state your name for the Court.

Defense Direct Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).

Judge: Plaintiffs may cross-examine the witness.

Plaintiffs Attorney:

Plaintiffs Cross-Examination Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).

Judge: Defense, do you have any re-direct questions?

Defense Attorney: No, Your Honor / Yes, Your Honor (if Yes, proceed with two quick follow up questions)

Judge (to witness): You may step down. (witness return to audience seat).

Second Defense Witness

Judge: Thank you. Defense, you may call your second witness.

Defense Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff.

(witness proceeds to witness chair then stands facing the bailiff)

Bailiff: (to the witness) Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Witness: Yes / I Do. (sit down in witness chair)

Defense Direct Examination: Hello. Please state your name for the Court.

Defense Direct Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).

Judge: Plaintiffs may cross-examine the witness.

Plaintiffs Attorney:

Plaintiffs Cross-Examination Questions:

- 1.
- 2.
- 3.
- 4.
- 5.

Thank you. Your Honor, no further questions. (witness stays seated).

Judge: Defense, do you have any re-direct questions?

Defense Attorney: No, Your Honor / Yes, Your Honor (if Yes, proceed with two quick follow up questions)

Judge (to witness): You may step down. (witness return to audience seat).

~~~~~ **Closing Arguments** ~~~~~

**Judge:** Both the plaintiffs and the defense have now rested their cases. The attorneys will now present their final arguments. Plaintiffs, you may begin.

**Plaintiff Attorney:** Thank you, your Honor.

Your Honor, members of the jury, today you heard testimony about: \_\_\_\_\_

\_\_\_\_\_.

I would like to remind you of important information about this case that you should think about  
as you make your decision: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

When you have heard all the facts, please find for the plaintiffs. Thank you.

**Judge:** Defense, you may proceed with your closing argument.

**Defense Attorney:** Thank you, your Honor.

Your Honor, members of the jury, today you heard testimony about: \_\_\_\_\_

\_\_\_\_\_.

I would like to remind you of important information about this case that you should think about  
as you make your decision: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

When you have heard all the facts, please against the plaintiffs' complaint and for the  
defendant. Thank you.

~~~~~ **Judicial Review** ~~~~~

Judge:

The law in question is RCW 4.20.010: Washington State's wrongful death statute. However, also in question are the original Bill of Rights (Amendments 1-10). In this case, the court must determine which laws underpin the wrongful death statute in order to know if the defendant committed a wrongful death act.

The court must answer two questions:

1. Did the Defendant violate the law against wrongful death?
2. Which Constitutional Amendment(s) must be used to underlie the Wrongful Death law?

~~~~~ **Verdict** ~~~~~

**Bailiff:** All Rise.

**Judge:** In the case of the Estates of Peterkin Matthews and Simon Peterson v. Jack Merridew, the court finds for the \_\_\_\_\_.

**Judge:** The court bases its judgment on the following laws and facts from the trial.

**Judge:** Thank you, jury, for your service today. Court is adjourned.

~~~~~ **Feedback for Participants** ~~~~~

