

The New Jersey State
Bar Foundation's
Mock Trial Contest
and Programs

★ 2018–2019 ★

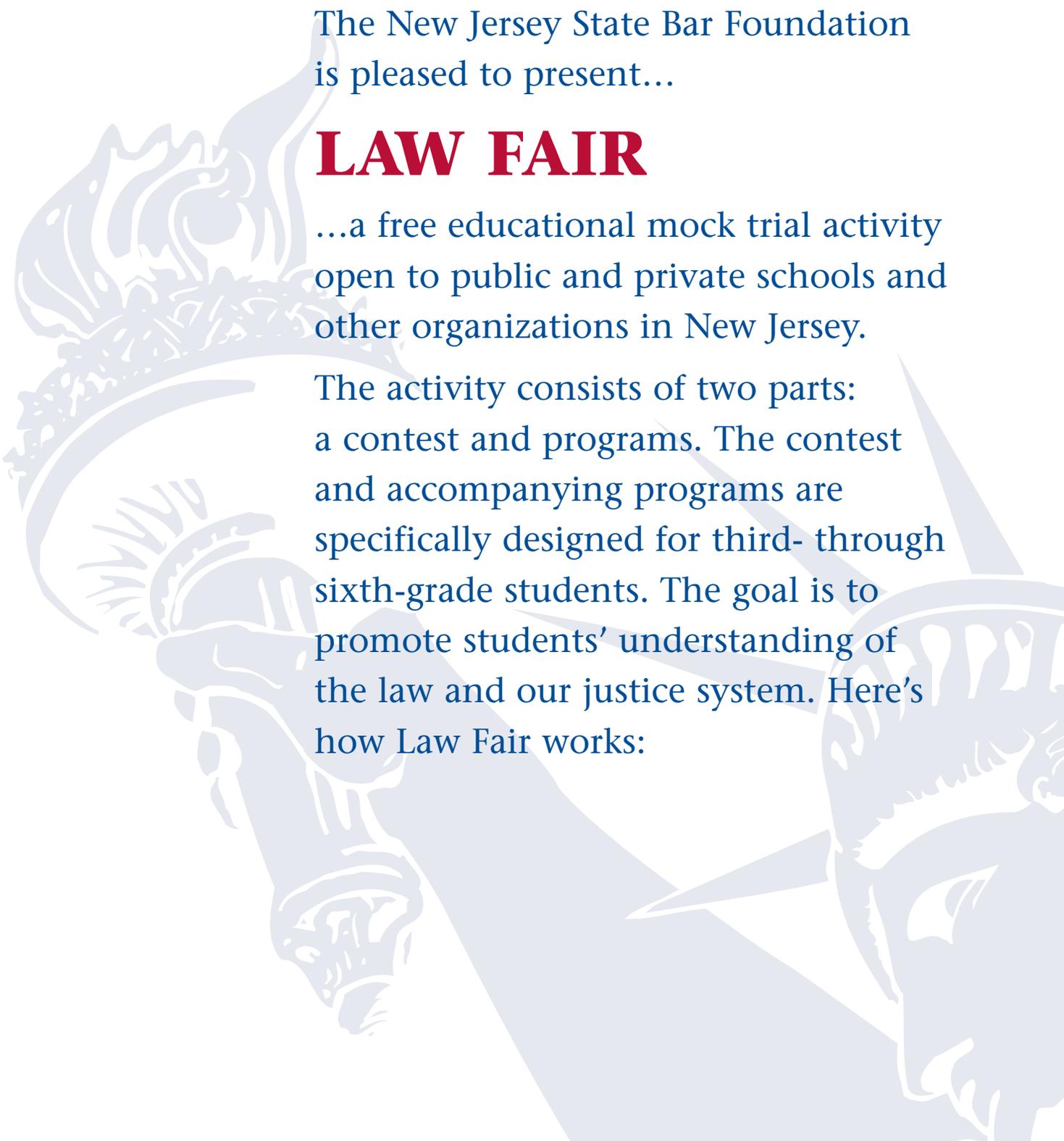
LAW FAIR

for 3rd through 6th graders

Don't miss our
FREE
teachers'
workshop
on October 18
featuring a lively
mock trial
performance by
winning students.

See pages 6 and 7
for details.





The New Jersey State Bar Foundation
is pleased to present...

LAW FAIR

...a free educational mock trial activity
open to public and private schools and
other organizations in New Jersey.

The activity consists of two parts:
a contest and programs. The contest
and accompanying programs are
specifically designed for third- through
sixth-grade students. The goal is to
promote students' understanding of
the law and our justice system. Here's
how Law Fair works:

Contest Rules and Procedures

Teachers of third- through sixth-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 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. Please do not exceed this number.

You and your students must develop an original case. **Cases must be balanced.** Cases based upon fairy tales, novels, videos, TV programs or films are discouraged. Cases should focus on legal issues of interest to students in grades 3 through 6 such as (but not limited to) the environment, drug and alcohol abuse or constitutional issues. Feel free to develop other ideas and themes. You and your class are encouraged to do research, e.g., library or Internet. While your case may be based upon current events, please make sure that the names, locations and circumstances are fictitious. You may set your case in the past, present or future.

Your case can be civil or criminal. For a civil case, please indicate what the plaintiff is seeking, such as money or that which was lost. For a criminal case, the determination is whether a defendant is guilty or not guilty. **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 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 still be winners. Over the years, teachers have presented their students' Law Fair cases before other classes or at school-wide assemblies regardless of whether they won the competition. They have found that this helps to continue the Law Fair learning experience.

Sample Mock Trial

Following is a sample criminal mock trial case reprinted with permission from the author and 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 numbered 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

[Relate 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 in 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 the jury believes "beyond a reasonable doubt" that the defendant is guilty.

6. SUB-ISSUES

1. Was it too dark to see clearly?
2. Was Tony throwing stones or stopping someone else from throwing stones?
3. Was Mr. Wiley "out to get Tony" because he rides his bike around his house?
4. Did Tony dislike Mr. Wiley enough to break his windows; was there motive?
5. Which witness should be believed?

7. CONCEPTS

1. Circumstantial evidence vs. direct proof.
2. Credibility of witness.
3. 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 must submit entries on behalf of their classes. Individuals cannot enter on their own. Teachers should provide a separate typewritten sheet with the names of students (listed in alphabetical order) who helped to write the case. Please attach this sheet to the Official Entry Form.

Entries must be typewritten, 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 staple the Official Entry Form to each copy along with the names of all the students who helped to prepare the case. (Please save your case. If your case wins, we will ask you to e-mail it as a Microsoft Word document at a later date.) Teachers should fill out the form completely and sign it. Mail to: **Law Fair Contest, New Jersey State Bar Foundation, One Constitution Square New Brunswick, NJ 08901-1520**

The deadline for receipt of entries is **January 31, 2019**. All entries must be received at the New Jersey State Bar Foundation **on or before this date**. We **cannot** accept e-mails 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, the New Jersey State Bar Foundation strongly recommends that you order a complimentary copy of the ABA’s booklet, “Putting on Mock Trials,” from us. You should also download past Law Fair Mock Trial Exercises for Grades 3 through 6 from njsbf.org. These booklets feature winning cases from previous Law Fair Competitions.

As an optional activity to enhance your participation in

Law Fair, you may wish to arrange a visit to a local court house or interview local prosecutors and lawyers. To observe a real trial, contact the clerk of your county court house or municipal court. Call your county or municipal 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, parents or your local county bar association.

Teachers may enter as many cases as they wish for each grade level, from third through sixth. 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 grades 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. See page 5 for details.

Your entry/entries should be both educational and enjoyable. The quality of the writing (in 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 Law Fair rules and procedures. Please use fictitious names for people, companies or other entities. **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.

Whereas not all cases in real life require a jury, for the purposes of Law Fair, all of the mock trial cases submitted will be jury trials and the audiences at the Law Fair Programs (see following description) will serve as juries.

Law Fair Programs

Winners will be asked to perform their mock trial cases at Law Fair Programs on May 20, 21, 22 and 23. The New Jersey State Bar Foundation will provide judges and/or attorneys to preside over the winning mock trial cases on these dates. Audiences of third- through sixth-graders and their teachers will be invited to attend and serve as juries. The student juries will break up into groups to deliver their verdicts after the winning cases are presented.

To make reservations to attend the Law Fair Programs, please see page 7.

Space is limited. Reservations will be filled on a first-come, first-served basis. Admission is free. You may reserve space to attend the Law Fair Programs regardless of whether you are entering the Law Fair Contest.

We will send you a written confirmation if we can accommodate your request for reservations. If the dates you requested are booked, we will notify you. Please do not plan to attend unless you receive a written confirmation as space is limited and all programs are fully booked in advance.

Sometimes reservations get lost in the mail and e-mails or faxes do not go through. If you have submitted a reservation request and have not received a response within three weeks, please call 732-937-7519 immediately.

If you win, you and your school will be famous! The State Bar Foundation will post the winning cases on our website during 2019–2020.

All entries submitted become the property of the New Jersey State Bar Foundation. We regret that we cannot return entries. Please keep copies of your entries for your own records.

Free Workshop

On October 18, 2018, the New Jersey State Bar Foundation will conduct a FREE Law Fair Workshop for teachers from 8:30 a.m. to 1:15 p.m. at the New Jersey Law Center in New Brunswick.

Teachers attending this workshop will receive professional development hours.

We'll explain the elements of a mock trial, and provide tips on how to prepare your mock trial case. Students who won last year's competition will present their original mock trial. Remember, this workshop is for educators, not students.

To make reservations, fill out the workshop form in this brochure and return by October 9, 2018.

Questions

If you have any questions about Law Fair, contact:

Sheila Boro
Director of Mock Trial Programs
New Jersey State Bar Foundation
One Constitution Square
New Brunswick, NJ 08901-1520
732-937-7519
sboro@njsbf.org

This project is made possible by funding from the IOLTA Fund of the Bar of New Jersey. For information about the Foundation's other free law-related education programs for a variety of age groups, call 1-800-FREE LAW. Visit the Foundation online at njsbf.org.

Videos

Since a picture is worth a thousand words, the New Jersey State Bar Foundation has produced two videos to help you participate: "Law Fair/Law Adventure Instructional Video" and "Kids' Court." In the 23-minute instructional video, seventh-graders enact their winning Law Adventure mock trial case. The students will take you through opening statements to cross and direct examinations of witnesses to closing arguments. "Kids' Court" is a one-hour broadcast sponsored by the State Bar Foundation and New Jersey Network. Learn about the legal process through a lively presentation and discussion of student-written mock trial cases from our Law Fair Competition for grades 3–6. DVDs may be borrowed for two weeks. A refundable security deposit of \$50 per DVD is required. To borrow any of these, please send your request, along with a check in the amount of \$50 per DVD payable to the New Jersey State Bar Foundation to: **Video Loan Library, New Jersey State Bar Foundation, One Constitution Square, New Brunswick, NJ 08901-1520.**

REGISTRATION FOR LAW FAIR TEACHERS' WORKSHOP

Learn how to participate in the New Jersey State Bar Foundation's Law Fair Contest at this FREE workshop for educators on **October 18, 2018**, 8:30 a.m.–1:15 p.m. at the New Jersey Law Center in New Brunswick. **Teachers attending this workshop will receive professional development hours.** Lawyers and teachers will guide you through the process. *Here's what we'll cover:*

To reserve space, clip the form on page 7, and return by mail, email or fax. You may also register online at njsbf.org. Registration deadline is October 9, 2018.

Law Fair Workshop
New Jersey State Bar Foundation
One Constitution Square
New Brunswick, NJ 08901-1520
FAX: 732-828-0034
EMAIL: sboro@njsbf.org

8:30–9 a.m.

Registration and Refreshments

9–10 a.m.

Elements of a Mock Trial

10–10:15 a.m.

Break

10:15–11:30 a.m.

**Students Present
Original Mock Trial**

Students who won last year's competition will present their original mock trial case before a judge. Members of the audience will serve as jurors, and will have the opportunity to ask the students questions about their mock trial experience.

11:30 a.m.–12:30 p.m.

**How to Prepare a Mock Trial Case
with Your Class**

12:30–1:15 p.m.

The Judges' Viewpoint

A panel of competition judges will share their perspectives and will take questions from the audience.

HOW TO ENTER THE LAW FAIR CONTEST

Please read this booklet carefully before you begin to work on your mock trial case. If you have any questions after you have read this, please call Sheila Boro at 732-937-7519.

After you have completed your case, please clip and complete the Law Fair Official 2019 Entry Form on page 7. Submit **two** copies of each entry. Staple your case to the entry form. *Do not submit the entry form without the case.* Likewise, do not send the case without completing and attaching the form. Don't forget to include a sheet with the names of all the students (in alphabetical

order) who helped to prepare the case. If you are entering more than one case, please feel free to photocopy the Official Entry Form.

Entries must be received at the New Jersey State Bar Foundation by January 31, 2019. Faxed or e-mail submissions will not be accepted. Please send your entries to:

Law Fair Contest
New Jersey State Bar Foundation
One Constitution Square
New Brunswick, NJ 08901-1520

RESERVATIONS FOR 2019 LAW FAIR PROGRAMS

You and your students will become the juries. You will hear cases written and performed by New Jersey students from third through sixth grades who have won the New Jersey State Bar Foundation's Law Fair Contest. Afterwards, you and your students will break up into a group and reach a verdict.

You will select a foreperson from your group to deliver your verdict and explain your decision. Please note that in large group presentations such as this, it will not be possible for everyone to speak. However, you will all have an opportunity to participate when you break up into juries.

Law Fair Programs will be conducted on May 20, 21, 22 and 23, 2019 at the New Jersey Law Center in New Brunswick. The morning sessions will take place from 10 to 11:30 a.m. Afternoon sessions will be conducted from 12:30 to 2 p.m.

Reservations will be filled on a first-come, first-served

basis. A group of up to 30 (including adult chaperones) per school may attend. Students and teachers from third through sixth grades are welcome. Admission is free.

Parking will be available for cars and buses in the Law Center lot. All students must be accompanied by adults. Complimentary light refreshments will be served. Please make luncheon arrangements on your own as there are no lunchroom facilities on the premises.

Registration is limited for each session, so reserve space early. See page 5 for more details. Return the form on page 7 by mail or fax or register online at njsbf.org.

Law Fair
New Jersey State Bar Foundation
One Constitution Square
New Brunswick, NJ 08901-1520
FAX: 732-828-0034

For further information, call Sheila Boro at 732-937-7519 or e-mail sboro@njsbf.org.

Law Fair Teachers' Workshop

October 18, 2018

REGISTRATION FORM

If you are registering more than one teacher, please include all names. You may also register online at njsbf.org. You will receive a confirmation and directions in the mail.

Please type or print clearly.

Please reserve _____ seat(s) at the Law Fair Teachers' Workshop.

Name(s) _____

School: _____

School Address: _____

City/State/Zip _____

Phone (school) _____ Phone (home) _____ Fax _____

Email _____

-----CLIP-----

Law Fair for grades 3 through 6

OFFICIAL 2019 ENTRY FORM

Please type or print clearly. Staple this form to each entry, including the copies.

Name of teacher(s) _____

Phone (school) _____

Phone (home) _____

Complete name of school _____

School fax _____

Email _____

Grade (check one): 3 4 5 6

School address _____

I understand that the mock trial exercise we are submitting becomes the property of the New Jersey State Bar Foundation. I certify that the case we are entering is the original idea and work of myself and my class or club.

City/State/Zip _____

Teacher's signature _____

County _____

-----CLIP-----

Law Fair Programs

RESERVATION FORM

Please indicate first through sixth choices in the spaces below. We will send you a confirmation and directions if we can accommodate your choices.

Please type or print clearly.

Please reserve space for my class of _____ students plus _____ teachers on:

_____ May 20, 2019, 10–11:30 a.m.

_____ May 21, 2019, 10–11:30 a.m.

_____ May 21, 2019, 12:30–2 p.m.

_____ May 22, 2019, 10–11:30 a.m.

_____ May 22, 2019, 12:30–2 p.m.

_____ May 23, 2019, 10–11:30 a.m.

Name of teacher _____

Grade _____

Phone (school) _____

Phone (home) _____

Fax _____

Email _____

School _____

School address _____

City/State/Zip _____

Law Fair Teacher's Workshop

Register by October 9, 2018

Law Fair Official Entry Form

Mail before January 31, 2019

Law Fair Programs Reservation Form

Register Immediately

Law Fair Checklist

- Did you complete the October 18th workshop form?
The deadline is October 9, 2018.
- Did you make reservations for you and your students for a Law Fair Program? **Reserve now—space is limited.**
- Did you complete your case for the Law Fair Contest and attach an Official Entry Form along with the names of the students in alphabetical order? **The deadline to enter is January 31, 2019. Remember to read and follow the rules before submitting your entries.**
- Did you read this booklet carefully before filling out the forms?** If the answer to this is yes, but you still have questions, contact Sheila Boro, director of mock trial programs, at 732-937-7519 or sboro@njsbf.org

Be sure to fill out a separate form for each aspect of Law Fair in which you are interested. You must complete separate forms for:

- Law Fair Teacher's Workshop
- Law Fair Contest
- Law Fair Programs