

2020-2021

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

Law Adventure

COMPETITION FOR
7TH AND 8TH GRADERS

Don't miss our
FREE teachers'
webinar
on October 15



njsbf.org

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

Law Adventure



...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 seventh- and eighth-grade students. The goal is to promote students' understanding of the law and our justice system.

Here's how Law Adventure works:

Contest Rules and Procedures

Teachers of seventh- and eighth-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 must develop a case on one of the following two themes:

- 1. First Amendment Rights**
- 2. Public Health Law and Privacy Concerns**

Either topic may be civil or criminal depending on the facts. 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.

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. You can create any scenario you want revolving around one of the two themes.

You and your class are encouraged to do research. 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.

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 Adventure 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 Adventure 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 typewritten sheet with the names of students (listed in alphabetical order) who helped to write the case.

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 your entry form, with case attached in a Word document, electronically on or before January 29, 2021. Submissions received after the deadline will not be considered. The entry form for the competition is available on our website, njsbf.org. You must submit a separate entry form with each case you enter. IMPORTANT: Place all of your school and student information on a separate page. Students’ names should be listed in alphabetical order. If you have any questions about how to submit entries, contact Ashley Emerson at aemerson@njsbf.org.

The deadline for receipt of entries is **January 29, 2021**. All entries must be received **on or before this date**. 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 Adventure Mock Trial Exercises for Grades 7 and 8 from njsbf.org. These booklets feature winning cases from previous Law Adventure Competitions.

As an optional activity to enhance your participation in Law Adventure, you may wish to 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, seventh and eighth. You must submit a separate entry form with each case. 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 seventh- and eighth-graders will be judged as an eighth-grade entry.

JUDGING CRITERIA

All entries should help to promote understanding of the law and how our justice system works. Cases must focus on the themes provided and must help to teach seventh- and eighth-graders 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.

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 Adventure 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 Adventure, all of the mock trial cases submitted will be jury trials.

Law Adventure Programs

Winners will be asked to perform their mock trial cases at Law Adventure Programs on May 10, 11, 12 and 13, 2021. The New Jersey State Bar Foundation will provide judges and/or attorneys to preside over the winning mock trial cases on these dates. If in-person trials are not possible, we will transition to Zoom, to be announced.

If you win, you and your school will be famous! The State Bar Foundation will post the winning cases on our website during 2021–2022.

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

Videos

Since a picture is worth a thousand words, the New Jersey State Bar Foundation has posted videos to help you participate. You can access them on the Law Adventure and Law Fair pages of our website, njsbf.org.

Questions

If you have any questions about Law Adventure, contact:

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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, visit the Foundation online at njsbf.org.

Free Webinar

On October 15, 2020, 10 a.m.–2 p.m., the New Jersey State Bar Foundation will conduct a FREE Law Adventure webinar for teachers via Zoom.

Teachers attending this webinar will receive professional development hours.

We'll explain the elements of a mock trial, provide tips on how to prepare your mock trial case with your students, and work together on a case writing exercise. Remember, this webinar is for educators, not students.

To register, please visit the Law Adventure page on our website, njsbf.org, and sign up by October 8, 2020.





Law Adventure Checklist

- ☐ Did you register for the October 15th webinar?
The deadline is October 8, 2020.
- ☐ Did you complete your case for the Law Adventure Contest and attach it to an Official Entry Form along with the names of the students in alphabetical order? **The deadline to enter is January 29, 2021. Remember to read and follow the rules before submitting your entries.**
- ☐ **Did you read this booklet carefully?** 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.