

# Welcome to the Law Fair/Law Adventure Teachers' Workshop

October 12, 2023





## How to find Law Fair Information

Visit [mocktrial.njsbf.org](https://mocktrial.njsbf.org) and select **Law Fair** or [njsbf.org](https://njsbf.org) and select *School Programs - Mock Trial - Law Fair*

### 2023-2024 Law Fair Competition

- **2023-2024 Law Fair /Law Adventure Flyer** to read and share. Download **here**.
- **Law Fair/Law Adventure Teachers' Workshop**, Thursday, Oct. 12, 8:30 am – 2 pm, in-person at the New Jersey Law Center in New Brunswick. Free workshop. Earn PD Credits. Register to attend **HERE**.
- **2023-2024 Law Fair Information and Rules**: download **here**.

### Additional Resources

- **Law Fair Civics Curriculum Guide**: download **here**. *This guide was prepared by past winning teachers.*
- **Mini-Court Teacher's Guide** (background information, glossary of legal terms and word searches). Download **here**.
- Additional Mock Trial & Civics Content, including **quizzes**: click **here**.
- **Winning cases** from past Law Fair Competitions can be viewed and downloaded below.

Items to download (click on the hyperlink “here” as appropriate):

- Law Fair/Law Adventure Flyer
- Law Fair Information and Rules
- Curriculum Guide
- Mini-Court Teachers Guide

Looking for Winning Cases from past competitions?

*Scroll down on the page to locate, read and download*



## How to find Law Adventure Information

Visit [mocktrial.njsbf.org](https://mocktrial.njsbf.org) and select **Law Adventure** or [njsbf.org](https://njsbf.org) and select **School Programs - Mock Trial - Law Adventure**

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# The Elements of a Mock Trial

Prepared by Kimberley Stuart, Esq.

Presented by Jodi Hudson, Esq.

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# HOW TO DEVELOP A MOCK TRIAL CASE

BEFORE A CASE IS A CASE,  
IT IS EITHER A “DISPUTE” OR AN “OFFENSE.”

# EXAMPLE:

Mary lends Bob \$20 to be returned on January 1.

Bob doesn't pay Mary back on January 1.

Mary asks for her money back. Bob refuses.

# WHAT CAN MARY DO?

Mary can ask a Court of Law to help her get her money back.

The first step is to file a CIVIL COMPLAINT,  
demanding money damages (\$20.00) from Bob.

# CIVIL COMPLAINT

The Mary v. Bob case is a CIVIL case  
because Mary seeks Money Damages.



# CRIMINAL COMPLAINT

If Mary alleges that Bob took \$20 without permission  
or if Mary alleges that Bob took \$20 from her under false pretenses,  
then the case would be CRIMINAL,  
because Mary would be alleging  
that Bob had CRIMINAL INTENT, to take her money.

# WHAT CAN MARY DO?

Mary can contact her local police department  
to make a CRIMINAL COMPLAINT against Bob.

Bob would be CHARGED  
with a violation of one or more New Jersey Criminal Statutes.  
Bob would be PROSECUTED for alleged crimes of theft and/or fraud.

# What is the difference between a civil complaint and a criminal complaint?

A civil case demands MONEY DAMAGES

A criminal complaint demands PUNISHMENT for a wrongful act.

## **CIVIL V. CRIMINAL**

A CIVIL case is brought by the PLAINTIFF.

A CRIMINAL case is brought by the State or the PROSECUTOR.

A CIVIL case requires proof by a PREPONDERANCE of the evidence  
(more likely than not).

A CRIMINAL case requires proof BEYOND A REASONABLE DOUBT (almost certain).

A CIVIL case renders the defendant LIABLE to the plaintiff for money damages.

A CRIMINAL case renders the defendant GUILTY of a crime for which he will be sentenced (punished) by a judge.

# How To Prepare A Law Fair Case

Grades 3-6

Diane Jablonowski, Retired Teacher, Washington Township Public Schools

# THE PROCESS

- ▶ “Hook” the students to spark interest - short mock trial video - The Case of the Stolen Candy Bar: *The People vs Joe Jones* video - <https://www.youtube.com/watch?v=Fm0plpPQuaU>
  - ▶ Students discuss what they heard and arrive at a verdict
    - ▶ Introduce vocabulary: plaintiff, defendant, witness, lawyer, guilty, not guilty
    - ▶ Students discuss why they chose their verdict
- ▶ Explore People in the Courtroom
- ▶ Criminal vs Civil - definitions, scenarios
- ▶ Begin to write scenarios and submit to teacher - facts vs opinion discussion; balanced (not an obvious outcome; not a slam dunk for either side)
- ▶ Narrow submitted scenarios down and choose one
- ▶ Work on final case scenario collaboratively as a class
  - ▶ What is the crime? What law was broken?
  - ▶ Is this a civil or a criminal case?
  - ▶ Who is the defendant? Who is the plaintiff?
  - ▶ Review the mock trial contest rules, sample case

# THE PROCESS continued

- ▶ Students break into 2 groups - prosecution/plaintiff and defense - to determine witnesses and write the witness statements (2 for each side)
- ▶ Together as a class, read and discuss the case; finalize title for the case and all the character names, facts, issue, witnesses, witness statements, instructions, sub issues, concepts, and law (Follow Law Fair Rules Booklet at [njsbf.org](http://njsbf.org))
  - ▶ Can be funny but relevant names for characters - see past winning cases on [njsbf.org](http://njsbf.org)
  - ▶ Make sure the case is BALANCED (not a slam dunk for each side)
- ▶ Before submitting the case, review the case according to the Law Fair Rules booklet at [njsbf.org](http://njsbf.org)
  - ▶ Name of the case - someone vs. someone (can also have a catchy name as well)
  - ▶ Elements (include the Element numbers)
    - ▶ 1. Facts - just facts; not opinions
    - ▶ 2. Issue - what is the question at hand; what needs to be proven?
    - ▶ 3. Witnesses - list “For the Plaintiff/Prosecution” and “For the Defense”
    - ▶ 4. Witness Statements
    - ▶ 5. Instructions - to inform the jury of what the prosecution/plaintiff must prove
    - ▶ 6. Sub-Issues - any extenuating circumstances
    - ▶ 7. Concepts - usually either “preponderance of evidence” or “beyond a reasonable doubt”
    - ▶ 8. Law - can be an actual law or can be made up by class
- ▶ PROOFREAD ! (not just spell check; actually read)

# WRITE THE SCRIPT & PRESENT THE CASE

- ▶ Write the script after the case was submitted to the NJSBF
- ▶ Discuss the parts of a trial and the flow
  - ▶ Opening statements, witness direct examinations, cross examinations, closing statements/arguments
- ▶ Discuss how to pose a question to witnesses, and leading questions on cross examination
- ▶ Use the case submitted to guide trial questions
- ▶ Students select what role they want
  - ▶ Can break up parts so more students can be included
- ▶ Write the dialog (questions and answers) - follow the case - in order of trial flow
- ▶ Practice role playing - keep to 15 minutes - make adjustments as needed
- ▶ Present the trial to a sister school or another class or last year's class that did this - they would be your jury
  - ▶ Ask why the jury chose the verdict they chose
  - ▶ Ask what information in the case carried a lot of weight/helped make their decision
- ▶ It is okay to allow students to read from a card or the script - less stress
- ▶ It is okay for students to dress up in their role



# NJ STUDENT LEARNING STANDARDS

- ▶ NJSLSA.R4.4. Read with sufficient accuracy and fluency to support comprehension.
- ▶ NJSLSA.R4.8. Explain how an author uses reasons and evidence to support particular points in a text.
- ▶ NJSLSA.W4.3. Write narratives to develop real or imagined experiences or events using narrative technique, descriptive details, and clear event sequences.
- ▶ NJSLSA.W4.5. With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing.
- ▶ NJSLSA.SL 4.1. Engage effectively in a range of collaborative discussions with diverse partners, building on others' ideas and expressing their own clearly.
- ▶ NJSLSA.L5.1: Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.
- ▶ NJSLSA.L5.2: Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.
- ▶ 6.3.8.Civics PR.5: Engage in simulated democratic process (e.g., judicial proceedings) to understand how conflicting points of view are addressed in a democratic society.
- ▶ 6.1.5.Civics CM.3: Identify the types of behaviors that promote collaboration and problem solving with others who have different perspectives.

# RESOURCES

- ▶ NJ State Bar Foundation Mock Trial website -
  - ▶ <https://njsbf.org/school-based-programs/mock-trial/>
  - ▶ Contest rules, past winning cases
  - ▶ Law Fair sample curriculum
  - ▶ Mini Court Teacher's Guide - includes Case of the Missing Puppy  
<https://njsbf.org/wp-content/uploads/2017/03/k-2-mini-court2000.pdf>
- ▶ Mock Trial Exercise and Quiz  
<https://njsbf.org/school-based-programs/mock-trial-civics-online-content/>

# HOW TO DEVELOP A LAW ADVENTURE CASE

John Shanagher, Retired Teacher, Bloomfield Middle School

Cases may be civil or criminal, must be original, and must be proofread for content and grammar. All required elements must be included or the case will be disqualified.

The judges pick two themes. You must write a case which addresses one of those themes.

# Prep Work

Time frame: Two to three weeks of using part of several classes per week.

I introduced the themes and defined any necessary terms for the class. I then gave them a week to think of a scenario which uses one of the themes. We then reviewed all of the suggestions and made a list of the ones we thought should be further discussed. Once we had narrowed down the field, we broke into groups and tried to develop several of the ideas. After discussion, the students chose which subject was most likely to produce a good case.

# Writing the Case

Time frame: Hard to say, it can take several weeks or several months depending on how much class time you can spare. I did current events on Friday so I used part or all of that period with the honors class to work on mock trial.

I divided the class into three groups: one works on the facts, one works on the plaintiff/prosecution witness statements, one works on the defense witness statements. We compared notes at the end of each session so that all three groups were writing statements that were consistent with each other. Once we had statements and facts completed, we decided the issues, sub-issues, concepts, and law. The instructions are based on whether your case is civil or criminal.

# REQUIRED ELEMENTS

**Facts:** This is where you describe what happened. In this part, there should be no bias towards either side, just the undisputed facts which occurred.

**Issue:** Why is this case being brought before the court?

**Witnesses:** Be sure to list **only two** witnesses for the plaintiff/prosecution and **two** for the defense. It is important that you **not** add additional witnesses.

# Required Elements Continued

**Witness Statements:** This is where the facts get slanted towards one side or the other. The testimony cannot contradict the facts, but it should present them in the most favorable light for either side. In other words, the testimony of the defense witnesses will help the defense; the testimony of the plaintiff/prosecution witnesses will help their side.

**Instructions:** What must be proved to the jury?

**Sub-Issues:** Any additional aspects of the case which may bear on the jury's decision.

**Concepts:** Educational terms, etc. which help to decide and develop the case.

**Law:** Actual or made-up law which supports one side or the other in your case. You can have fun making up your own laws, but they must not be inconsistent with actual laws.



I know that this looks like a lot of work, and it is, but it was also my favorite activity. The students learn a great deal about the Constitution, civil and criminal law, and current events in the process. They also have a lot of fun. Students who returned to visit years later always brought up their mock trial experience as the highlight of history class.

# **Response to Frequently Asked Questions**

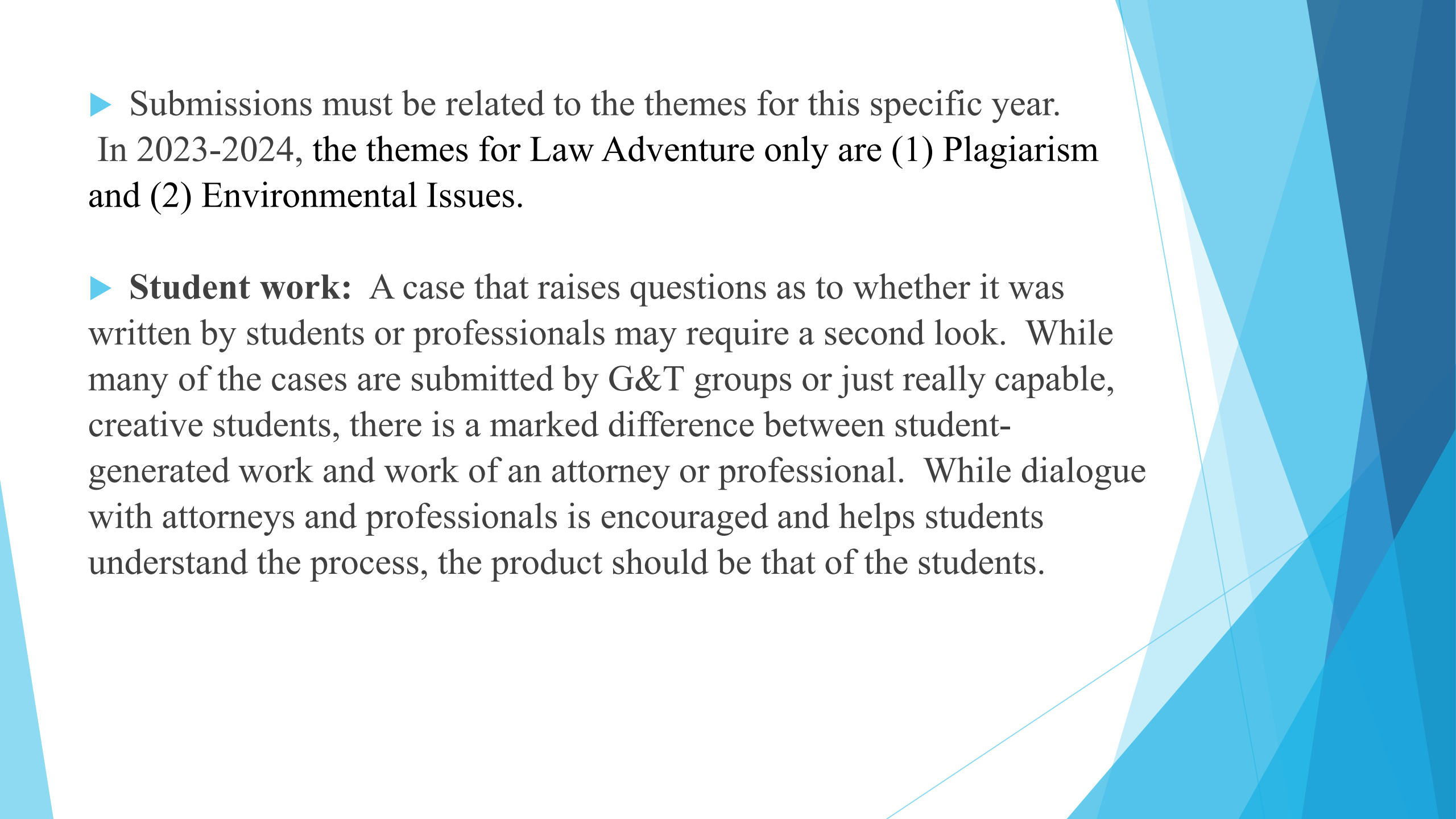
**Prepared by Carole B. Moore, Chair, Law Adventure Committee**

# The Judging Process Explained

## Frequently asked questions :

- 🕒 We have submitted entries in the past, but are we doing them correctly?
- 🕒 I attended the workshop in the past but I am unsure if our submissions are done correctly. Can you help me?
- 🕒 Is the trial to be written in a story form?
- 🕒 Do we include testimony questions and answers?
- 🕒 Is there a way to see what a winning entry looks like?

Your “Go To Place” Law Fair/Law Adventure page on NJSBF’S website,  
[njsbf.org](http://njsbf.org).

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▶ Submissions must be related to the themes for this specific year. In 2023-2024, the themes for Law Adventure only are (1) Plagiarism and (2) Environmental Issues.

▶ **Student work:** A case that raises questions as to whether it was written by students or professionals may require a second look. While many of the cases are submitted by G&T groups or just really capable, creative students, there is a marked difference between student-generated work and work of an attorney or professional. While dialogue with attorneys and professionals is encouraged and helps students understand the process, the product should be that of the students.

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► **There are five basic areas that are most important to keep in mind:**

1. Format
2. Balance
3. Length
4. Publication ready
5. Creativity

## ▶ **FORMAT:**

- ▶ The format for the submission is well established in the Law Fair/Law Adventure rules booklet, which can be downloaded from our website, [njsbf.org](http://njsbf.org). There is a sample in the booklet that illustrates what should be included in each section.
- ▶ The initial submission has several distinct sections. It is **very** important that the format be followed. This gives students an understanding of how cases are structured. It is not a "story."

**Title:** *Jones v. John Wallace Middle School* You can add an interesting title, such as “Putting a Lid on Living History.”

**Facts:** This section gives the facts of the case. It can be written as a descriptive section with a factual story line to make it interesting. No conclusions are drawn, no testimony, simply facts. Make sure the facts are balanced on both sides.

**Issue:** What is to be investigated and decided upon? This section states the question your case is addressing.

**Witnesses:** Each side is allowed **ONLY TWO** witnesses. Cases that have less or more witnesses for each side will be disqualified. In this section, list the witnesses and how they are related to the case. For the plaintiff: Mrs. Jones, mother of Tommy, the plaintiff; Mr. Smith, history teacher. For the defense: Roger, student at JWMS, Ms. Harris, guidance counselor.

## **Witness Statements:**

For the Plaintiff/ Prosecution:

Mrs. Jones – [Provide her statement of the facts.]

Mr. Smith – [Provide his statement of the facts.]

For the Defense:

Roger – [his statement]

Ms. Harris – [her statement]

## **Instructions:**

The wording of this section is critical. If the case is **civil**, the instructions to the jury must include the charge that the plaintiff must prove “**by a preponderance of evidence that....**” If the case is **criminal**, the prosecution must prove “**beyond a reasonable doubt.**” Cases are often eliminated if this section confuses the charge between civil and criminal instructions.



### **Sub-Issues:**

This is a list of facts/questions that should be considered when determining the outcome of the case with the facts presented.

### **Concepts:**

A list of concepts of law that should be considered.

### **Law:**

This section is like a bibliography or works cited section: a listing of laws or cases that were referenced in preparing the case or illustrate the law in question. This can be factual or created by the students. Rather than just listing sources, a short description of the case or law should be given. Make sure the law relates to your case.

## ▶ **BALANCE:**

- ⌚ A balanced case is not tipped one way or the other. Both sides present points to be carefully considered.
- ⌚ From the reading, the outcome is not readily apparent.
- ⌚ There is the possibility that were this case tried before different juries, the outcomes could change

## ▶ **LENGTH:**

- ⌚ Cases that are too long or too short may affect whether the case moves on in the process.

## ▶ **PUBLICATION READY:**

- ⌚ Well written. Check grammar, spelling, punctuation, syntax, consistency of names, dates, facts.
- ⌚ When cases have multiple errors, they are not in a form that can be posted by the State Bar Foundation.
- ⌚ Make proofing a class effort.

## ▶ **CREATIVITY:**

- ⌚ Interesting. Many cases present the same set of issues; so, a twist or a creative view will make the case stand out from other cases dealing with similar issues.

If the submission is selected to be presented, that is when the script/dialogue (opening statements, testimony of witnesses, questioning by attorneys and closing arguments) is needed. However, doing this in advance will give you a head start in preparation for presentation, whether at the Law Center or at your school.

There are many great examples of winning cases posted on the Law Fair/Law Adventure page of NJSBF's website. Just click on the links at [njsbf.org](http://njsbf.org).

# **Professional Development Certificates**

**If you attended this workshop, we will email you a link to print out your certificate. We will use the same email and name that you provided when you registered.**

**If you have any questions about the certificates, contact [aemerson@njsbf.org](mailto:aemerson@njsbf.org).**

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# Questions?

Please contact Sheila Boro,  
Director of Mock Trial Programs,  
at [sboro@njsbf.org](mailto:sboro@njsbf.org).