SIMULATION DESIGN

Mock Trial: Two Days

The one-day session, then a second witness who contradicts the first.

College and high school.

The one-day session below runs unchanged as day one. A colleague can run the short version, find that it works, and extend it later without rebuilding it.

The teaching problem

Students believe trials are won by argument. Trials are governed by what the finder of fact is permitted to hear, which means the real skill is evidentiary and it is invisible from the outside. A full trial cannot be compressed into a class period without losing exactly that.

The session

Do not attempt a whole trial. Run one contested witness on a stipulated case file, three or four times over, with different students each time, and let the room compare. The repetition is the pedagogy: by the third examination everyone can see which choices were choices.

The element that does the teaching

The objection budget: three objections per side, spent or lost. Students either never object, because they are afraid, or object constantly, because they have seen television. A hard budget forces the only question that matters, which is whether this answer is going to hurt you enough to be worth standing up. Announce that an objection that is not sustained still spends the budget.

Speaking turns

Three teams of two examiners is six students. Closings take three or four more. The judge rotates each round, which is three more. Everyone else writes a reasoned verdict, which is a graded speaking turn in written form. In a class of fifteen, nobody is idle.

Above twenty-five students, run two courtrooms on the same case file and bring the verdicts together at the end.

What to name as artificial

Real direct examination of one witness runs far longer, and a real jury does not critique between rounds. Say that the compression is deliberate, and that the critique slot between rounds is the reason the day works at all.

The running order

0–12	Opening. The case file is stipulated, so there is nothing to argue about the facts. State the objection budget and that an unsustained objection still spends it.
12–30	Round 1. Direct and cross of the witness. You seed one form objection yourself so the room sees it work.
30–36	Critique. What was a choice, and what did it cost?
36–52	Round 2, different examiners, different judge.
52–58	Critique.
58–74	Round 3.
74–84	Closings, then every student not examining files a written verdict with a reason.
84–100	**Debrief**, read from the verdicts.

What the second day adds

Day one as above, but with the case file including **a second witness whose testimony contradicts the first on one fact.**

Between the days each team files a one-page theory of the case, naming the three facts it must establish and the one it must neutralize.

Day two is opening statements, the second witness, and closings argued from the filed theories, so that students discover their own day-one commitments constraining them.

The trap in this format

The lawyer who testifies. Students use questions to make speeches. The cure is mechanical: the judge sustains a form objection on any question longer than the answer it seeks, and you should seed that objection yourself in round one so the room sees it work.

Before you publish the agenda

1. Can you say in one sentence what the session is for, without using the word coverage?
2. Does the question genuinely divide the room, and can the body actually decide it?
3. Is every role down for at least two scheduled turns?
4. Have the demanding roles been spread deliberately rather than claimed?
5. Does someone know they are chairing, and have they been briefed?

6. Have the real questions gone out, with a line saying they are the real ones?
7. Is anything artificial about the setup named in the student document?
8. Is there a ten-minute break in the middle for students to find allies, and is the room arranged so they can stand up and move?
9. Is the closing act something the room can watch fail?
10. Is the debrief in the running order, with time of its own?

The three floor rules to read aloud, and a minute-by-minute template, are in Running Order, Floor Rules, and the Day-Of Check on the Class-Based Simulations page. The topics below are defaults. Replace them with whatever is live when you run the session; what should not be replaced is the one structural element in each design that does the teaching.