**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 *Bergeron v. Glampers*. However, it can be adapted to any trial and can be useful as both a preparation and a note taking resource.

Name:

*Bergeron v. Glampers*

Mock Trial Script

**Bailiff:** Please rise. The Circuit Court of Chinook County is now in session, the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presiding.

**Judge:** Everyone but the jury may be seated. Bailiff, please swear in the jury.

**Bailiff (to the jury):** Please raise your right hands. Do promise that you will listen to this case and render a true and fair verdict for this defendant?

**Jury:** “Yes” or “I Do”

**Bailiff:** You may be seated.

**Judge:** Members of the jury, your duty today will be to determine whether the plaintiffs prove that the defendant caused the wrongful death of their son. You must find a verdict based on a preponderance of the evidence, or the most convincing evidence and facts presented. If you believe that plaintiffs have shown more evidence for their argument, you must find for them. If you believe that they did not show enough evidence for their argument, you must find for the defendant. Bailiff, please announce today’s case.

**Bailiff:** Your Honor, today’s case is Hazel and George Bergeron versus Diana Moon Glampers

**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 Plaintiffs.

~~~~~~~~~~~~~~~~~~~~~~~~~ **Plaintiff’s Case** ~~~~~~~~~~~~~~~~~~~~~~~~~~~

***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).

***Third Plaintiff Witness***

**Judge:**  Thank you. Plaintiffs, you may call your third 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).

***Third Defense Witness***

**Judge:**  Thank you. Defense, you may call your third 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.

~~~~~~~~~~~~~~~~~~~~~~~~ **Jury Instructions** ~~~~~~~~~~~~~~~~~~~~~~~~~

**Judge:**  Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone are the judges of the facts. Once you decide what facts the evidence proves, you must then apply the law. This case is special with regard to the law. You may find certain laws in contradiction with each other, and so you must decide which laws prevail in order to decide whether the defendant violated them.

The laws in question are ORS 30.020: Oregon’s wrongful death statute. However, also in question are Constitutional Amendments 211-215, as well as the original Bill of Rights (Amendments 1-10). In this case, you must determine which laws underpin the wrongful death statute in order to know if the defendant committed a wrongful death act.

*You 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?

In just a moment, the bailiff will take you to the jury room to deliberate and consider your verdict.

The first thing you should do is select a foreperson. The foreperson’s duty will be to sign the verdict statement from the jury when you have agreed. Whatever verdict you render must be **unanimous**. The Bailiff will now escort you to the deliberation room.

**Bailiff:** All rise. (stand up)

(Judge Exits. Bailiff leads jury out of courtroom to deliberation room)

~~~~~~~~~~~~~~~~~~~~~~~~ **Jury Deliberation** ~~~~~~~~~~~~~~~~~~~~~~~~~

Jury has a set amount of time to deliberate. **They should focus on answering the two questions the judge presented by referring to their Jury Checklists they completed during the trial**.

They should vote and re-vote until they reach a unanimous verdict.

~~~~~~~~~~~~~~~~~~~~~~~~ **Jury Returns** ~~~~~~~~~~~~~~~~~~~~~~~~~~~

(Jury re-enters the courtroom, foreperson gives verdict to bailiff, jury sits down)

**Bailiff:**  All Rise.

**Judge** (enters): (to the jury) Have you reached a verdict?

(Bailiff hands verdict to judge)

**Jury Foreperson:** We have, your Honor.

**Judge:**  How have you decided?

**Jury Foreperson:** We the jury, in the case Hazel and *George Bergeron v. Diana Moon Glampers*, find for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Judge:**  Which laws did the jury base their decision upon?

**Jury Foreperson:** (response based on verdict)

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