

Mock Trials: Flight Simulators for Legal Students

The closest most people will come to experiencing a courtroom battle is by watching law-themed shows on television. But for those preparing to enter the legal profession, gaining real-world experience before entering the courthouse is a must.

Mock trials, in which law and paralegal students participate in a realistic courtroom scenario, give legal professionals the confidence they need to prepare for the cases they will handle in the future, educators say. This can have unexpected results, as participants experience everything from fear and frustration to the thrill of victory depending on how their cases goes.

“(Students) feel frustrated when the opposing side does not submit discovery responses, witness and exhibit lists, or pretrial motions in a timely and accurate fashion,” according to Kathryn Dickey, program director for the Paralegal and Legal Studies programs at South University — Montgomery. There’s also anxiety, she says, when a witness gives a “surprise” response to a question.

The hands-on experience helps students to build critical thinking and public speaking skills, according to the American Mock Trial Association, the governing body for intercollegiate mock trial competition. Each year, AMTA holds over 20 undergraduate regional mock trial tournaments across the United States. Some of the larger regional competitions attract over 200 participants. Less formal events are commonplace in schools across the country.

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Arthur H. Stroyd, partner at the law firm Del Sole Cavanaugh Stroyd, says mock trials for law students are similar to flight simulators for student pilots. “It is a chance to learn from mistakes when they don’t count and when a client won’t be hurt from a young lawyer’s lack of courtroom experience,” he says.

Stroyd has served as chair of the Gourley Mock Trial Competition, an annual event in Pennsylvania sponsored yearly by the Academy of Trial Lawyers of Allegheny County. He asserts that mock trials simulate actual trial experiences and can be just as challenging as real cases. “Mock trials let the novice overcome fear by being exposed to real life situations before a maiden voyage in the courtroom; they let young lawyers gain confidence so that clients are well served from the outset of a legal career.”

Topics for mock trials are often derived from real lawsuits that have gone to trial. Certain details may be altered to prevent one side from having a distinct advantage. This creates a situation where presentation and preparation make the difference and can tip the outcome in favor of one side.

Mock trial sponsors may try to lighten the atmosphere by making the situation more interesting, a little quirkier, and perhaps more fun than most trials in the real world, says Stroyd. A recent mock trial at South University — Montgomery, for example, focused on a plastic surgery case gone wrong, featuring a defendant called “Dr. Goodlooks.”

Like real trials, mock trials require intense background work, which may be prepared by paralegal students. “Students understand the relevance of all that pretrial groundwork when they participate in a mock trial,” says Dickey, who adds that students at South University draft legal documents in most of their courses. “By participating in a mock trial, students can really understand the importance of those documents,” she states.

In Dickey’s mock trials, both sides are given a list of facts that they cannot change. Students must work within these boundaries and are challenged to deal with facts that may be potentially damaging to the case. Each participant is assigned a role in the trial — anything from lawyers to expert witnesses, who must learn technical or scientific knowledge to describe difficult subject matter to jury members.

“In one of our mock trials, the student expert witness was explaining DNA by using charts that he had drawn. A visitor who happened to come into the ‘courtroom’ actually believed this student was an expert. This student had really done his homework,” mentions Dickey, who takes student input into account when creating mock trial scenarios for her school’s Law Week.

For trial lawyers working toward their law degree or paralegal students acting as the lawyers in the mock trial, the stakes may feel higher. They are challenged to present information in a detailed, understandable, and logical manner, to cross-examine witnesses, and to provide compelling opening and closing statements.

Dickey's mock trials are presided over by an actual circuit court judge in Montgomery County, Alabama. "Talking in front of people, especially a real judge, can be very challenging," says Dickey. "Even students who are very outgoing find this to be [difficult]."

While mock trials have long been a part of the legal learning experience, technology is changing the ease with which participants can gain information to prepare for their trial roles. Instead of browsing through journals and reference materials, many students serving as expert witnesses simply search the internet for information that bolsters their persona's credibility. The web is also helpful when it comes to locating "evidence" forms — including sample police reports or coroner's reports to use within the courtroom.

But the internet doesn't really change what Stroyd says is a chief virtue of the mock trial: A hands-on experience that demonstrates the importance of courtroom preparation.

"The real benefit from a mock trial is the chance for a student to be critiqued immediately after a trial or after a particular aspect of a trial," says Stroyd, who continues, "If the good things that a student does in the mock courtroom are not reinforced and the not-so-good things are not critiqued, the student will never improve — will never move to the next level of proficiency."