**Mock Trial Project**

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| ***EQs****:* How do writers utilize logic to convince and/or distract their audience from their true purpose? How does one construct a logical argument that is persuasive? |

***Goals:***Your goal in this **Mock Trial Project** is to hone and practice your logic and argumentation techniques in an authentic way, while demonstrating your progression in the Argumentation standards. In particular, you will be concentrating on practicing using logic effectively, and practicing identifying logical fallacies in other people’s arguments.

You will be able to…

* Identify examples of logic-based rhetorical devices in complex texts/speeches/etc.
* Explain why logical fallacies are illogical/misleading
* Explain how to lay out a logical argument Use logical (syllogism) arrangements in your own arguments

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| ***Word of Warning****:* The success of this mock trial/debate hangs entirely on EVERYONE (in your group, in the class) being prepared on the day of the mock trial. If you do not complete your part thoroughly and on time, this entire activity will not be able to move forward. We are all depending YOU.  |

***Task:***Working in groups, you will prepare for a mock trial of the *Filipino*. **This mock trial will take place** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. You will have time in class to coordinate with your teams, but you will most definitely need to plan to do work on this outside of class.

**General Directions:** In groups of 11, 12, or 13, you will decide upon roles for the trial. Each person will be responsible for preparing remarks/arguments to give during the trial, whether you are a lawyer or a witness. Everyone will speak at least once during the trial – prosecution and defense lawyers may speak more often (so be ready for this if you take on this role).

Every speech/argument needs to contain examples of valid logical reasoning, but should also contain at least one example of a logical fallacy. It will be the job of the opposing side to spot the fallacy and then file an objection with the judge. Objections will be sustained or denied based on whether or not the opposing side can accurately spot and then identify the logical fallacy that the opposing team of lawyers or the witnesses are using.

**Each individual composes his/her argument on his or her own, but the group as a whole collaborates on the “non-negotiable” evidence.** Everyone will play a role at the trial, although some roles will be more involved than others. Everyone will have to coordinate with the other members of your group, in particular, the prosecution and defense teams will absolutely need to coordinate with the witnesses for their side. **(NOTE: Everyone, including witnesses, must turn in their individual writing assignments, in addition to the group plan you all come up with for the trial.)**

***Roles:***

***Person 1:*** **You are the Filipino.** Write your confession. Explain exactly what happened from your point of view. Include all pertinent details. Infer as much as you logically can, and invent details (a name, address, etc.)about your life (this needs to be grounded in textual evidence from the story).

***Group of 3:*** **You are the prosecution team.** One lawyer writes your opening statement for the jury, one writes the closing statement, and one is in charge of cross-examination (you may all examine the witnesses for your side). Refer to yourself as “The People” since you are prosecuting this crime on behalf of the people ofthe state of California, as in “The People will prove…” Other phrases that might come in handy are, “The evidence will show…”, “The facts will demonstrate…”, “Eye-witnesses will testify…” Your team is responsible for the charge: First degree murder, second degree, etc. Research these charges and what they mean; be prepared to ask for sentencing as well—death penalty, etc.

***Person 5:* You are an eye-witness** (another passenger on the boat) at least partially sympathetic to the victim. Write a speech testifying to The Drunkard’s admirable qualities, but be prepared for what the defense might throw your way to discredit him.

***Group of 3:*** You are the defense team. One lawyer writes your opening statement for the jury, one writes the closing statement, and one is in charge of cross-examination (you may all examine the witnesses for your side). Present your client in the most sympathetic way possible. Phrases that might come in handy are, “The evidence will show…”, “We will demonstrate…”, “Eye-witnesses will testify…” (Note: Self-defense requirements are very strict—the defendant must truly have faced a ‘kill or be killed’ situation.)

***Person 9:*** You are a character witness for the defense. Decide on your relationship to the accused.Write a speech to convince the jury the man you knew so well could NEVER kill someone out of anger.

***Persons 10-13:*** You are the police. You can choose to be either arresting officers or homicide detectives.

* The arresting officers were called to the crime scene. Write your arrest report, carefully noting theposition and the location of the victim, his wounds, condition of his clothing, etc. Describe the demeanor of the suspect when you took him into custody.
* Homicide detectives will write up a more detailed forensics report, explaining the cause of death, extentof injuries, blood alcohol content of the victim, physical characteristics of the victim, etc. You areknowledgeable about any injuries the defendant may have sustained and can describe them. Report on the weapon: was it legal?

Describe the conditions under which the defendant made his confession. Had he been Mirandized? (Despite story taking place prior to Miranda Rights, use this as law.) Was his lawyer present? You may also have interviewed the eye-witnesses.

**How to prepare:**

***STEP 1: Immutable Facts.***

All members of your group must decide and agree on immutable facts. These facts cannot be changed during questioning or statements to the jury.

A list of immutable facts will be available for every participant on the day of the trial so that no confusion can arise. An example of an immutable fact is: “The Drunkard’s blood alcohol level was: 0.12” etc. All immutable facts must refer to the text for a basis in their development. For example, how many stab wounds the Drunkard received must be based on textual evidence.

***STEP 2: Coordination with your teams.***

Prosecution and defense teams need to decide what angle they are going to take in the trial, and how they can best argue their case. They should also interview the witnesses and decide in what order they want to call them to the stand. The entire group as a whole has to agree on which side will call which witness (the police or eyewitnesses can be called to the stand twice, the character witness and accused can only be called once).

***STEP 3: Prepare your statements/speeches***

Every single member of your group needs to prepare a written statement that includes at least one valid logical argument and one logical fallacy. You are not allowed to speak extemporaneously (without written notes) during the trial. If you do not have written notes to turn in at the end of the mock trial, you will not be allowed to get up and speak during the trial.

***STEP 4: Mock Trial. (You should dress appropriately and use simple props, if you like)***

1. Prosecution delivers opening statement. (3 minute limit).
2. Defense delivers their opening statement. (3 minute limit).
3. Prosecution calls their witnesses to testify, one at a time. Usually eye-witnesses would testify first, then law enforcement, then character witnesses. (Limit each witness questioning to 3 minutes).
4. Cross: The Defense has 2 minutes per witness to cross examine each of the Prosecution’s witnesses.
5. Defense calls their witnesses. The Defendant usually testifies last. Same rules as for the Prosecution.
6. Each team presents a closing statement, limited to 3 minutes. Prosecution goes first; Defense has the final word.

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| *\*Please incorporate technology in some way in your final presentation. (Powerpoint, prezi, video recording, voice recording, etc.)* |