

## Instructions for the prosecution and defense

- Determine the strongest arguments for your side's position. Think about who you might call as witnesses to testify to the facts that will best support your case.
- For each witness, including the defendant, establish a basic biography (three to five sentences). You will need to decide on all of your witnesses quickly – halfway through the planning time, you will have to provide this list and the brief biographies to the other legal team.
- For each witness, identify five to ten key facts that are relevant to the case. You must be prepared to cite your sources for these facts.
- You may invent witnesses to support your case when you don't have access to an actual specific individual's life story. For example, in a case about unsafe working conditions for coal miners, you could create a "composite" coal miner based on true stories that you've read, but the person you create must be plausible and rooted in historical reality. (The judge, your teacher, will decide if any created characters have "crossed the line" into exaggeration!)
- Develop a list of questions that your legal team will ask your witnesses. Work with the witnesses to develop factually accurate answers. Remember that your defendants will be under oath – you may not make things up to fit your case! Assign one group member to be the lawyer who will ask these questions.
- Halfway through the planning time, the other legal team will give you a list of their defendants and a brief three to five sentence biography of each. Your group should study this list carefully, consult your research sources to learn more about each person on the list, and then develop questions that you will want to ask these witnesses on cross-examination to try to make your own case. Assign one team member to be the lawyer who will cross-examine the other side's witnesses.
- Try to anticipate the main points that your opponents will make and the kinds of things they will grill your witnesses about. Be prepared to counter these points.
- Finally, write an opening statement that summarizes your case. This should be only three to five minutes long. Select one team member to present this opening statement to the jury.