

# Mock Trial: Detailed Order of Proceedings

The Judge knocks on the door to indicate that they are ready.

As the Judge enters the court room the Court Officer says:

*“Silence. All stand.”*

The Mock Trial participants and the audience stand.

The Judge enters and bows. The participants bow.

The Judge sits.

The Court Officer announces:

*“Please be seated.”*

The Mock Trial participants and the audience sit.

The Court Officer announces:

*“This Mock Court is now sitting.”*

The Judge’s Clerk calls the case:

*“Police against (insert the surname of the defendant)” / “Plaintiff (insert name) against the Defendant (insert name).”*

The Judge asks for appearances in the matter.

The prosecution’s first Barrister then stands and says:

*“If your Honour pleases, my name is X, and I am appearing with my learned friend, Y (the name of the other barrister) for the prosecution. We are instructed by Z (the name of the instructing solicitor).”*

The prosecution’s first barrister then sits.

The defence’s first Barrister then introduces the defence team in the same way.

The prosecution’s first Barrister then stands and delivers the opening address on behalf of the prosecution.

In civil matters the defence’s first Barrister then stands and delivers the opening address on behalf of the defence.

The Judge asks the prosecution to call their first witness.

The prosecution’s first Barrister calls the first witness by saying:

*“I call (insert name)”*

The Court Officer then stands, walks outside the court room, calling the witness’s name three times, and escorts the witness to the witness stand, taking care not to walk between the barristers and Judge.

Whilst this occurs, the Judge requests the prosecution team to make available for the defence team three copies of the statement of the first prosecution witness.

The Judge’s Clerk obtains the copies of the statement and provides them to the defence team.

The defence team examines the statement. The defence team keeps the statements.

The Court Officer then swears the witness by saying:

*“It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?”* (A bible should not be used to swear witnesses.)

The witness replies:

*“Yes”.*

The witness then sits.

Witnesses other than the defendant are not permitted to remain in the court room before they have given their evidence.

The prosecution’s first Barrister then examines-in-chief the prosecution’s first witness.

The first defence Barrister then cross-examines the prosecution’s first witness.

No re-examination of any witness is allowed.

The Judge then asks the prosecution to call the second prosecution witness.

The prosecution’s second Barrister calls the second witness by saying:

*“I call (insert name)”*

The Court Officer then stands, walks outside the court room, calling the witness’s name three times, and escorts the witness to the witness stand taking care not to walk between the barristers and Judge.

Whilst this occurs, the Judge requests the prosecution team to make available for the defence team three copies of the statement of the second prosecution witness.

The Judge’s Clerk obtains the copies of the statement and provides them to the defence team.

The defence team examines the statement. The defence team keeps the statements.

The Court Officer then swears the witness by saying:

*“It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?”* (A bible should not be used to swear witnesses.)

The witness replies:

“Yes”.

The witness then sits.

The prosecution’s second Barrister then examines-in-chief the prosecution’s second witness.

The second defence Barrister then cross-examines the prosecution’s second witness.

At the end of the prosecution’s case, the prosecution’s second Barrister says:

*“Your Honour that is the case for the prosecution”.*

In criminal matters only, the first defence Barrister then stands and delivers the opening address.

The first defence Barrister calls the first witness (defendant) by saying:

*“I call (insert name)”*

The Court Officer then stands, calls the witness’s (defendant’s) name three times, and escorts the witness to the witness stand taking care not to walk between the barristers and Judge.

Whilst this occurs, the Judge requests the defence team to make available for the prosecution team three copies of the statement of the first defence witness (defendant).

The Judge’s Clerk obtains the copies of the statement and provides them to the prosecution team.

The prosecution team examines the statement. The prosecution team keeps the statements.

The Court Officer then swears the witness by saying:

*“It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?”* (A bible should not be used to swear witnesses.)

The witness replies:

“Yes”.

The witness then sits.

The first defence Barrister then examines-in-chief the defence’s first witness (defendant).

The prosecution’s first Barrister then cross-examines the first defence witness.

The second defence Barrister calls the second witness by saying:

*“I call (insert name)”*

The Court Officer then stands, walks outside the court room, calling the witness’s name three times, and escorts the witness to the witness stand taking care not to walk between the barristers and Judge.

Whilst this occurs, the Judge requests the defence team to make available for the prosecution team three copies of the statement of the second defence witness.

The Judge’s Clerk obtains the copies of the statement and provides them to the prosecution team.

The prosecution team examines the statement. The prosecution team keeps the statements.

The Court Officer then swears the witness by saying:

*“It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?”* (A bible should not be used to swear witnesses.)

The witness replies:

*“Yes”.*

The witness then sits.

The second defence Barrister then examines-in-chief the defence’s second witness.

The prosecution’s second Barrister then cross-examines the second defence witness.

At the conclusion of the defendant’s case, the defence’s second Barrister says:

*“Your Honour that is the case for the defence”.*

The Judge then adjourns the court.

The Court Officer says:

*“All stand. This Mock Court is now adjourned”.*

During this period the Barristers and Solicitor prepare their closing addresses.

After the adjournment, the Court Officer says:

*“All stand. This Mock Court is now resumed”.*

All Mock Trial participants and the audience stand.

The Judge enters and bows.

The audience bows.

The Judge sits and the audience sits.

The prosecution’s second Barrister then makes their closing address on:

- the evidence that was given;
- how every element of the offence was proved by the evidence; and
- the law which supports the prosecution’s case by making reference to relevant precedents.

The prosecution’s second Barrister should distinguish any precedents which are not relevant to the prosecution’s case.

The second defence Barrister then makes their closing address on the evidence before the court, pointing out:

- where the prosecution has failed to prove its case;
- where the defendant has made out his/her defence;
- the law in support of the defendant’s case; and

- the law which may be applied or distinguished.

The Judge enquires with the teachers as to whether there are any issues of concern in relation to the conduct of the Mock Trial.

The Court Officer then adjourns the court for a further short recess.

The Court Officer says:

*“All stand. This Mock Court is now adjourned”.*

The Mock Trial participants and audience stand.

During the recess, the teachers email to the Judge the following:

- the time-sheet completed by the Judge’s Clerk; and
- the Objections sheet completed by the Judge’s Clerk.

The Judge examines this material.

The Judge then finalises, tallies and checks the scores for the Mock Trial and settles the judgment on the case.

The Judge then delivers judgment on the case and announces the scores of each of the teams.

The Court Officer then closes the court by saying:

*“All stand. This Mock Court is now adjourned”.*

This concludes the Mock Trial.

The Judge emails the score sheet to the teachers and to the Mock Trial Co-ordinator