

There are three big questions to ask in building your case. Once you are able to answer a strong, empathic “YES!” to each then you are ready to participate fully in the mock trials.

#1 Am I convinced of my own position?

This is the most important question and also possibly the most difficult one to answer. To effectively argue your case, you must eliminate doubt or, at least, minimize it to the point that it does not affect your own confidence. Some positions are more difficult to take than others, but what this only means is that you have to do more work in preparing for your case. Doubt can undermine your ability to focus and prepare, thus weakening your case even further. (Whereas ‘easier’ positions can lull a team to a false sense of confidence, thus leading them to under-prepare.)

So how does one gain confidence in one’s position?

1. **KNOW YOUR STORY.** The number one cure for doubt is information. Master the ins and outs of your case. Since we are dealing with history, most of the facts you can use have already been established. Your job is to find these facts and reconstruct those using primary sources and historical persons. Realize that you and your opponents have begun this activity at a similar place; it has been clear from the trials in the past that the teams who dig up more facts and data dominate the trial.
2. **HAVE GOOD WITNESSES.** Without good witnesses, you have no case. The mock trial is not a debate in a conventional sense where lawyers bring matter in the courtroom and then duel over who has the more convincing performance. The mock trial is *designed* to make you work together with your team. While you are graded individually, your work should be inherently collaborative. Find historical characters who can either (a) verify your position, (b) provide compelling first-hand evidence, or (c) directly support [for defense] or discredit [for prosecution] the client for the case.

Another tip for finding a good witness is to select someone your opponents do not see coming. This will require you to dig into other sources which are not commonly used; hence, you will not find much to surprise your opponents if you stick to the text book and Wikipedia. Dig into biographies, second-hand accounts, and primary sources to find compelling historical persons.

3. **ANTICIPATE THE OTHER SIDE.** You will be competing against a team with their own set of facts and witnesses. In preparing for your case, it will be very wise to try to anticipate how your opponents intend to argue, who they intend to bring to the witness stand, and – most importantly – what sort of questions they may ask your own clients during the cross-examination. It will be helpful to find time as a team to test each other, play the “Devil’s Advocate” (essentially a person from your own team who will pretend to tear your own team down), and predict the arguments that may be thrown against you. Put yourselves in the shoes of the opposing team and see how well you can defend your original position.

#2 Do I know the facts necessary to prove my point?

Once you've grown more confident about your position by knowing the basic story, finding the right witnesses, and anticipating the other side, the next step is to refine your knowledge into an airtight case. To use a metaphor, think of how iron is forged. In the beginning you dig up your iron ore (the basic facts), and then you smelt them into a liquid (finding witnesses and testing against the opposing side's arguments) that you can use. The next step is to place the molten iron into its proper mould, allow it to cool, and then hammer it into sheets that you can use for whatever purpose imaginable. And in the case of these mock trials, you want to forge a blade.

Mastering your case and making it airtight can be achieved by following these principles:

- a. **Every statement you make must be backed up by evidence.** It works against you whenever you introduce a statement or accusation without any proof. This is especially important when you allege that a certain person said or did something incriminating; it is most important that you have a document that clearly indicates so.
- b. **The statements offered by your witnesses are always relevant to the case.** Introducing information that proves to be distracting or irrelevant can hamper your case and open up your witnesses to attack. While distracting your opponent can be a tactic employed in court, remember that there are risks in doing so.
- c. **Cross-examining the other side should help in making your point.** When it comes to the cross-examination of witnesses, the goal of the lawyer is to find inadequacies and inaccuracies in the statements made. This is done to discredit the witnesses with the view of ultimately strengthening your case in court. An effective cross-examination will open up the opponent's witness to error, and at times they can end up saying something that will help your case.

#3 Am I ready to present my arguments in court?

As you firm up the matter of your case, the last consideration to make is whether you are ready and able to present these facts in court. As one team, check whether you have:

- a. **Familiarized yourselves with the rules of court.** The lawyers should know how to admit evidence into court, impeach witnesses, and object effectively.
- b. **Rehearsed the witnesses.** It will help your team if the witnesses have been 'rehearsed' beforehand so that they do not panic when asked questions. And if possible, simulate the pressure and intensity of the cross-examination as well.
- c. **Prepared all your files and documents for court.** Make sure that everything you need for court is prepared beforehand. You may bring notes, documents, and print-outs to the mock trial. Obviously, you cannot fabricate evidence as this will give your team the severest penalty.