

Emory Law Mock Trial Society Tryout Information

We are thrilled that you have decided to tryout for the Emory Law Mock Trial Society. This packet provides general information regarding tryouts in addition to instructions and tips on how to prepare/deliver a closing argument. This packet will provide you with general information on the tryout process and how to give a closing argument. Please note, we are evaluating your presentation based on style, analysis of the facts, explanation of the law, and how you integrate the facts with the law to advance your position in the case (we are not seeking perfection). Please read the problem completely and carefully. This packet provides information regarding time limitations and our expectations of candidate tryouts. The Emory Law Mock Trial Executive Board wishes you the best of luck!

The Tryout Process

Tryouts will be during orientation week on Thursday, August 17 from 8:00 am to 12:00 pm.

Rules

1. You can give a closing for either the prosecution or defense.
2. You should take 6 to 8 minutes to give your closing argument.
3. It is preferred that you either have note cards or memorize your closing.
4. You must use the statements of at least **2 witnesses** as part of your closing.

5. Do not use any case law or outside statutes. Everything you need is in the case packet. The only outside information you need is from your criminal law class. You will need to explain the elements of murder.
6. You may work together and practice your presentation with friends.
7. Wear business formal attire. Men- Suit and tie. Women- Skirt suit or pant suit, hose, and heels.
8. Be yourself! We want to see your personality and presentation style!

How to Deliver a Closing Argument

Purpose:

To convince the jury that your position is correct by tying together in a neat and organized fashion all the facts that have been presented.

Method:

Your closing should roughly adhere to the following format.

- *Greeting*. Begin the closing argument with a basic greeting – “Members of the jury”
- *Theme*. Your theme should be given towards the beginning of your argument (often, it can be the first sentence of your argument) and then weaved throughout. The theme should be a succinct, memorable phrase to sum up your theory of the case (e.g. “If the glove does not fit, then you must acquit”).
- *Road Map*. Following the greeting, a road map should be given to the jury explaining what is going to be discussed and how it will be accomplished.

- *Standard of Proof.* Discuss the standard of proof. What does reasonable doubt mean? Discuss the elements of the crime. What must the prosecution prove to win? Or for defense, what didn't the prosecution prove? You do not need to do any research or use case law. Instead, think of what the elements of murder are.

- *Meeting the Burden.* After telling the jury the elements of the crime and explaining those elements, use the facts of the case to show why they are or are not met. Argue what this case is about. Don't recite the facts, but tell what facts are true or not true. What do they show? Think about telling a story. Use your theme to paint a picture of what happened, or didn't happen. It is important not to rehash all the evidence presented during trial. If the entire case is presented during closing, this will become too boring and you will lose the jury's attention. Instead, point out the highlights of the testimony and the key pieces of the evidence in the trial. But, make sure not to misstate the evidence or your position in the case. Jurors do not forget these things, and collectively remember everything that happens in the trial. During closing argument, remember to keep your personal beliefs out of the presentation. Instead, direct your comments to the evidence and the law and explain to the jury what conclusions should be reached without stating what "you believe." Anticipate the arguments that may be made by the other side. Prepare to rebut those arguments before they are made. However, avoid attacking the other side's attorney directly. Attack the evidence and proof.

- *Ending.* Use a strong ending. The heart of the case should be proclaimed, followed by a request that the jury find in favor of your client.

General Tips

Do	Don't
<ul style="list-style-type: none">• Suggest reasonable inferences• Suggest favorable conclusions supported by facts• Explain what the evidence means• Explain the importance/power of circumstantial evidence• Anticipate and defuse opponent's arguments• Use a persuasive style• Be organized in your presentation• Use simple language• Explain the elements of the crime clearly• Use evidence that counts• Slant the facts in your favor, but do not misstate the facts	<ul style="list-style-type: none">• Introduce facts that were not in evidence• Use too many legal terms or big words• Ask the jury to put themselves in another's shoes or ask the jury what they would do• Use "I believe" (instead, use "we have shown" or "we have proven")• Re-hash all the details (instead, just highlight the important information)• Have awkward or illogical transitions

In terms of your presentation, use your own style! Your closing should look natural. In general, however, we recommend the following:

- The podium should not be used; walk around freely. The use of a podium blocks communication and sends a message to the jury that there is something between you and them. However, standing closer than six feet from the jury encroaches on the jury's personal

space and may cause them discomfort. While we encourage walking around freely, try to make sure your movements are purposeful. At points when you're standing still, try to avoid shifting your weight, crossing your legs, etc.

- Closing argument should be presented without notes or with as few notes as possible. If notes must be used, use flash cards so you are not fumbling through documents when closing the case.

- Use simple and plain English; leave legalese in the classroom. Avoid using excessively flowery language or complex legal terms. If complex scientific, medical, or legal terms must be used, make sure that those words and terms are completely explained and defined well before they are used in context during the closing argument.

We wish you the best of luck and look forward to seeing you at tryouts!