

Trial Procedure Teacher Guide

Teacher Tip: The teacher will act at the Court Bailiff in this simulation, maintaining order and timing. If desired, this role can be given to a student. Students may need hints or encouragement to encourage the objection process. When you see the need for an objection, consider offering a hint to the appropriate lawyers and encourage them to engage in this process. This will improve their reasoning skills and encourage them to think critically about the questions being asked.

Open the Hearing:

Court Bailiff: "All rise. The International Court of Justice will now hear the case of *Japan v. United States* regarding the firebombing of Tokyo Fire Raids. The honorable judges (state last name of each judge) presiding."

- Allow judges to sit and then address the courtroom.

Court Bailiff: "You may be seated."

- Allow everyone to be seated and then address the courtroom.

Court Bailiff: "Court is now in session."

Opening Statements (three minutes maximum for each side):

Court Bailiff: "The Plaintiff's lawyers will now make an opening statement. Counselor(s), you have a maximum of three minutes to present your argument."

- Allow the lawyers a maximum of three minutes to make their case.

Court Bailiff: "The Defense lawyers will now make an opening statement. Counselor(s), you have a maximum of three minutes to present your argument."

- Allow the lawyers a maximum of three minutes to make their case.

Swearing In of the Witness (two minutes):

Court Bailiff: "The defense lawyers have indicated that they would like to call General Curtis LeMay to the stand."

- Allow General LeMay to come to the witness stand at the front of the room.

Court Bailiff: "Hold up your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth under penalty of perjury? [Yes]. Defense attorneys, you have ten minutes to question your witness."

Direct Examination of the Witness by the Defense (ten minutes maximum):

Lawyers for the United States will stand to ask their questions and introduce their evidence at appropriate points in the questioning. Encourage plaintiff lawyers to make objections (provide assistance as needed). Once the defense is finished with their questions, the defense will rest.

Cross Examination (ten minutes maximum):

Court Bailiff: "The plaintiff's lawyers now have a maximum of ten minutes to cross examine the witness."

Lawyers for Japan will stand to ask their questions and introduce their evidence at appropriate points in the questioning. Encourage defense lawyers to make objections (provide assistance as needed). Once the plaintiff is finished with their questions, the plaintiff will rest.

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Closing Arguments (ten minutes maximum):

Court Bailiff: "The witness has been excused. Now each side will have a maximum of five minutes to make a closing argument. The counselors representing Japan will begin."

- Allow the lawyers a maximum of five minutes to make their case.

Court Bailiff: "Now the court will hear from the counselors from the United States."

- Allow the lawyers a maximum of five minutes to make their case.

Judges Deliberation and Verdict (seven minutes):

Court Bailiff: "All rise. Court will now recess for judge deliberation."

- Allow the judges to leave the room.

Court Bailiff: "You may be seated."

The judges need to go out into the hall to confer and make sure that they have carefully considered their evaluation forms before casting a vote for either the plaintiff or the defense. There can be some deliberation within the time constraint. Since there is an odd number of judges, there will be a majority for one side. The judges will notify the Bailiff when they are ready to return and deliver the verdict.

Court Bailiff: "All rise. Court is now back in session."

- The judges will deliver the verdict. If time permits, ask each judge to explain his or her reasoning.

Court Bailiff: "Court is now adjourned."