



HMDC MODEL CONGRESS (FALL 2024, Week 5)

What We Will Discuss (Today)

Here is the agenda for today's lesson...

Review of the Homework (ex. Quiz Questions)

Brief Review of Writing Legislation for Model Congress (ex. Bills)

Activity: Court Proceedings (Simulation of the Judicial Process)

Reviewing the Homework (Quiz 3)

What is the format the BILL must follow:

Bill Number, Sponsors, Title, Preamble (Optional), Enacting Clause, & Sections (Definitions (Optional), Main Provisions, Enforcement, Funding, & Effective Date.

Which sections are most essential (for success):

[Explain based on quiz or your own ideas from thinking about it]

Opening Proceedings of the Court

The trial begins with the formal opening of the court, setting the tone for the legal proceedings. The judge enters the courtroom, and the bailiff announces the session, ensuring all parties are ready to proceed.

- **Formal Court Start:** The judge enters the courtroom, and the bailiff announces, "All rise," marking the start of the legal process.
- **Checking Readiness:** The judge asks both the prosecution and defense if they are ready to proceed, confirming their preparedness.
- **Swearing in the Jury:** The jury is sworn in, promising to listen carefully and reach a fair verdict based on the evidence presented.

Reading the Charges

Before opening statements, the judge reads the charges to the jury to ensure everyone knows what the defendant is being accused of. This moment provides clarity for the court and sets the legal foundation for the trial. Both the prosecution and defense acknowledge the charges before the trial can proceed.

- The Judge Reads the Charges: "The defendant is charged with **Terroristic Threat**, which means causing fear and panic in the community; **Reckless Endangerment**, creating a serious risk of harm; and **Criminal Mischief**, intentionally damaging public property."
- Explaining the Charges: The judge briefly explains each charge to ensure the jury understands the nature of the accusations.
- Confirmation by Both Sides: The judge asks both sides to confirm they understand the charges before continuing with the trial.

Opening Statements

After the charges are read, both sides present their opening statements, giving the jury an overview of what each side will argue. These statements outline the key points and evidence that will be discussed during the trial but do not count as evidence themselves. The opening statements provide a roadmap for the trial and help the jury understand each side's position.

- Prosecution's Opening: The prosecution goes first, laying out the case against the defendant and explaining what they intend to prove.
- Defense's Opening: The defense follows, explaining their argument and why they believe the defendant is not guilty.
- Setting the Stage: These statements help the jury understand the main points each side will focus on, preparing them to evaluate the evidence.

Swearing in the Witnesses

After opening statements, the trial moves to witness testimony, beginning with swearing in the witnesses. This ensures that all witnesses promise to tell the truth before presenting any evidence or testimony. The judge administers the oath, and only after this step can witnesses be questioned.

- Witness Oath: The judge asks each witness, "Do you swear to tell the truth, the whole truth, and nothing but the truth?"
- Witnesses Confirm: The witnesses respond with, "I do," agreeing to provide honest testimony.
- Ensuring Honesty: This step emphasizes the importance of truthfulness, as any false statements can lead to serious legal consequences.

Direct Examination

During direct examination, the attorney who calls the witness asks questions to gather evidence that supports their case. This part of the trial allows the witness to explain in detail what they saw, heard, or experienced related to the case. Direct examination is crucial for building the foundation of the attorney's argument and presenting clear, factual evidence.

- **Questioning the Witness:** The attorney asks open-ended questions that allow the witness to explain their knowledge of the events.
- **Building the Case:** The attorney guides the witness to provide facts that support their side of the case.
- **Detailed Answers:** Witnesses provide comprehensive answers, helping the jury understand the key points of the testimony.

Cross-Examination

Cross-examination occurs after direct examination, allowing the opposing side to question the witness and challenge their testimony. This part of the trial is designed to test the witness's credibility and expose any inconsistencies or weaknesses in their statements. Cross-examination helps ensure that the jury hears both sides and can evaluate the reliability of the evidence.

- **Challenging Testimony:** The opposing attorney asks questions to point out contradictions or weaknesses in the witness's story.
- **Leading Questions:** Unlike direct examination, the attorney can ask leading questions to shape the witness's answers.
- **Testing Credibility:** The goal is to make the jury reconsider the witness's reliability and accuracy.

Preparing the Witnesses

Before witnesses testify, it is important for attorneys to prepare them for their role in the trial. This preparation ensures that witnesses understand the questions they might be asked and how to present their answers clearly. Preparing witnesses helps them feel confident and stay focused on the facts they need to communicate during direct and cross-examination.

- **Reviewing the Facts:** Attorneys meet with witnesses to go over their statements and ensure they remember key details accurately. This helps witnesses avoid any mistakes when testifying.
- **Practice Questioning:** Attorneys ask practice questions to help witnesses feel comfortable answering in a clear and concise manner. This prepares them for both direct and cross-examination.
- **Confidence and Clarity:** Witnesses are coached to remain calm under pressure, focus on answering the questions directly, and avoid giving extra information that could harm the case.

This preparation step helps both sides of the trial by ensuring witnesses are ready to give strong and accurate testimony, which can greatly influence the outcome of the case.

Break Time (~10 min)

During/After the break...

1. Lawyers = Read the “advice/guide” document (PDF).
2. Non-Lawyers = Read the “Guidelines for Judge/Jury” document (PDF).
3. After the break we will do the City Council Simulation:
“Water Contamination Crisis (Part-2)” = NEW INFORMATION!!!