

US v Standard Oil: How the case is played and graded

The case for both sides is the joint responsibility of the whole team, so each member helps the others to prepare.

- 1) Opening of the Court: Chief Justice: statement of the charges and explanation of how the case will proceed.
- 2) Presentation of the case for the Prosecution
 - a) Opening statement to the Court
 - b) Prosecution calls its witnesses for direct examination: this involves getting your witnesses to tell their stories that you want the Court to hear.
 - c) Each witness for the Prosecution is cross-examined by lawyers for the Defense: this involves asking “yes or no” questions of the witness to show the weakness of their testimony. General rule: Don’t ask a question unless you know the answer that the witness will provide.
 - d) In the course of direct and cross-examination, Justices of the SC may interrupt to ask their own questions.
- 3) Presentation of the case for the Defense
 - a) Opening statement to the Court
 - b) Defense calls its witnesses for direct examination: this involves getting your witnesses to tell their stories that you want the Court to hear.
 - c) Each witness for the Defense is cross-examined by lawyers for the Prosecution: this involves asking “yes or no” questions of the witness to show the weakness of their testimony. General rule: Don’t ask a question unless you know the answer that the witness will provide.
 - d) In the course of direct and cross-examination, Justices of the SC may interrupt to ask their own questions.
- 4) Closing statement by the prosecution
- 5) Closing statement by the defense

How you will be graded for this mock trial:

1) Submitted written work (minimum one page typed):

Lawyers: opening statement: This introduces your case and tells what your witnesses will tell the Court.

closing statement: This summarizes the strongest points of your case and tells the Court why you think your case should prevail.

direct examination questions developed with your witness: These questions get your witnesses to tell the story of your case to the Court.

How this work is shared will depend upon how many lawyers there are on the team in a given class. **Please clear this workload with me ahead of time.** The written closing statement may be submitted after the close of the trial since much of it is prepared during the presentation.

Witnesses: witness statement, a minimum of four direct examination questions that will be asked of you by your lawyer and your planned response.

A witness statement begins with “My name is.. and this is a description of my direct experience with the Standard Oil case.” It is not just a rewording of the

Justices: a vote either for the defense or for the prosecution with a full page of reasoning that refers to the evidence presented in the case. This work is submitted after the close of the trial.

All written work will be assessed based upon:

- Neatness and care of presentation
- knowledge of the case and your role in it
- the use of evidence from the case

2) Your level of preparation when the case is presented and your level of participation in the preparation of the case in class.