**TEMPLE LAW**

**STUDENT GUIDANCE FOR FINAL TRIALS ON ZOOM**

We believe we can do full final trials via Zoom. Below explains how we will do so. You’ll see below that there are times when there are a couple different options which your instructor may choose, depending on their individual comfort with Zoom.

The online Zoom trials will be bench trials. All components of the trial will be held. Each student advocate will do one speech, one direct, and one cross. It is up to the individual teams to decide, among those constraints, who is doing which specific exam or speech, with one exception. If you are a part of a 3-person trial team, you should get guidance from your professor about the roles for exams and speeches. Trials will be conducted at the time they have been previously scheduled.

**WITNESSES:**  Each advocate is required to recruit a witness, but no longer needs to recruit a juror, as these will be bench trials in front of your professor, sitting as the presiding judge. Your professor will either mute the witnesses until it is their time to testify or sequester them in a Breakout Room. Witnesses in Breakout Rooms won’t be able to hear the testimony as the trial unfolds, just like when witnesses are sequestered in real trials. We ask that witnesses pause a moment before answering, to permit time for any objections. Witnesses are free to leave the meeting once they have testified. The two prosecution witnesses will testify first, and there will be a break at midtrial before the defense witnesses testify.

**SPEECHES:** The students who are giving the speeches will be unmuted during the speeches.

**OBJECTONS**: Advocates will be unmuted during the trial, so that you can simply object verbally. Note that doing so will cut into the ongoing examination or speech. To minimize confusion, we ask that only the advocate who is opposing the specific exam or speech make objections. In other words, if you are giving the opening, do not object during closing arguments. If you are directing or crossing the first witness, do not object during the second witness.

We ask that the witnesses pause a moment before answering, to give space for any objections to be made. Zoom sometimes has trouble when multiple people are speaking at the same time.

**EXHIBITS:** For the sake of the trial, please assume that there is an exhibit binder wherein the exhibits have been already pre-marked as they are in your trial file. When an advocate wants a witness to turn to a specific exhibit, ask them to “turn to exhibit \_#\_ in the binder.” Then lay the appropriate foundation and offer the document. Once it has been admitted by the Judge, the advocate can hold the exhibit up to their camera, or the student can use the “share screen” function to share the document open on their desktop. The “share screen” function should also be used for impeachment and refreshing recollection.

**ORDER:** The trial will be conducted in the following order.

1. Introductions
2. Opening statements-> prosecution first and defense second
3. Prosecution witness examinations-> direct followed by cross, followed by redirect and recross as needed
4. 5-minute break at midtrial
5. Defense witness examinations-> direct followed by cross, followed by redirect and recross as needed
6. Closing arguments-> defense first and prosecution second
7. Feedback

**DRESS:** Please still dress for court when you are trying the case. Witnesses may dress informally. We also ask that you stand when you are giving your speech or examination.

**OTHER GENERAL TIPS:**

* Remember that whenever your computer is unmuted on Zoom, any ambient noise- like shuffling papers or others coming in and out of the room- will be picked up. Please do all you can to put yourself in a quiet environment and minimize outside noise.
* Be patient when it comes to objections. The way it works, the new speaker will become the primary person shown on the screen, and the audio of the previous speaker gets cut into. Just like in real trials when interruptions come via objections, this can be frustrating. Please be patient and allow your professor to direct who should speak in the ensuing argument (“prosecution, what is your response?”).
* If you are not the advocate doing the specific examination or speech, please turn off your video. All participants should go to the video settings tab and click the “hide nonvideo participants” box. This will enable all to focus solely on the advocates performing the given task and the specific witness testifying, during the proceeding.
* Whiles some of this, by its nature, is different than what you prepared across the semester, remember that when you try cases in real courtroom, there are always slightly different procedures and expectations, depending on the local rules and the customs of the courtroom you are in. In many ways, this process exemplifies the next step- adapting what you already know to do to whichever courtroom you find yourself in. The basic skills and principles of persuasion you’ve been working on all along translate here too.
* One benefit of trying this online is that you can have material close at hand to help you in ways you might not at trial. Consider having the litanies of basic skills immediately accessible to you to consult as needed. You’ll find them posted on Canvas in the “assignments” section. Have your FRE handy, too.