



The Role of Mock Trials in Developing Legal Communication Skills

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ABSTRACT

Mock trials play a pivotal role in legal education by bridging theoretical knowledge and practical application. This paper examines how mock trials enhance legal communication skills, including advocacy, argumentation, negotiation, and courtroom demeanor. By immersing students in simulated legal proceedings, mock trials promote experiential learning, teamwork, and critical thinking. Participants adopt various roles, such as attorneys, witnesses, and jurors, providing them with a comprehensive understanding of legal discourse and courtroom dynamics. Historical roots, educational benefits, and communication outcomes are explored to highlight the transformative power of mock trials in shaping professional behavior and communication competencies. Despite logistical and interpersonal challenges, mock trials prove to be an invaluable pedagogical tool for developing essential legal skills and preparing students for real-world legal practice.

Keywords: Mock trials, legal communication, experiential learning, law education, courtroom simulation, trial advocacy, legal professionalism.

INTRODUCTION

Mock trials in law school move students past the classroom and into the roles of lawyers, witnesses, jurors, and judge. While other forms of legal education rely on the assumption that students will learn passively from lectures and readings, mock trials assume that students learn effectively by doing something active. Mock trials are very similar to role-play simulations used in other medical settings. Each student articulately prepares that part, receives a short assignment on it, and uses the mock trial to conduct it. Simulations utilize live participants, including lawyers, witnesses, and jurors, in plausible courtroom settings in real spaces. Each student is randomly assigned a role at the beginning of the course and must master that part thoroughly over a more extended span of time. This time commitment is important because students who participate for shorter periods will still learn courtroom advocacy and credibility related to that experience, but they will not gain a litigation/career-context in which to apply it. Mock trials' focus on performance and attention to detail results in improvements in trial performance. Students participate in smoother, more effective trial performances after beginning a series of mock trials in which all roles are played. Students learn trial skills, as do the law students studying for a course on the same material. Mock trials foster professionalism and credibility-related habits that improve and encourage the professional behavior expected of lawyers. Prior to mock trials, law students exhibit some unprofessional behavior that reflects poorly on them as lawyers, but mock trials result in students having noticeably better professional behavior. Hopefully, these sorts of improved professional and organization-related behavioral habits will continue as students enter the practice of law, and then as they gain the ability to train and mold other lawyers as instructors and mentors [1, 2].

The Concept of Mock Trials

Mock trials are designed to be educational tools stressing the learning process rather than winning a final verdict. A common format involves creating fictitious cases, with students playing the roles of attorneys and witnesses, and competing against other teams at interscholastic tournaments. Competitors present closing arguments, deliver direct and cross-examinations, make and respond to evidentiary and procedural objections, and are judged on their performances. In general, one team acts as plaintiff or prosecution and the other as defense. They agree on rules of evidence and conduct. Each trial begins with

opening statements, the presentation of case-in-chief, the opportunity for rebuttal witnesses, and concludes with closing arguments. Some competitions also involve jury trials, in which students testify and display people skills. Mock trial teams exist at various levels from elementary through college, and most involve regional competitions leading to national tournaments. College teams are usually affiliated with the American Mock Trial Association or the National Mock Trial Association. Competitions can be run by the state, as in California, without affiliation with a national organization. Successful primary and secondary teams may participate in the national tournament organized by the program's coaches and circuit judges. Although dedicated law clubs with no affiliation to official teams exist, mock trial programs operate as student activity groups with instructors as informal coaches. Most universities with forensics programs also sponsor mock trial teams. Most teams compete in two tournaments a year: one in the fall, producing regional and national representatives; and another outreach tournament for newer teams. Arranging lodging for a travel team is often a difficult task, especially when there are multiple teams to be accommodated. Most competitions hold a hospitality room for coaches and sponsors to help them congregate while awaiting the trial results, which usually provides a great deal of jocular entertainment. Offering free food to judges at junior high and high school tournaments helped instill the same practice at college tournaments [3, 4].

History of Mock Trials

Since ancient texts recorded important court decisions, mock trials have been used as performance rituals in societies around the world. During the Roman Empire, as the history of Greek theater shows, criminal acts and their consequences were played out on public stages, a most dramatic form of mock trial. One account describes how a consul was tried on charges of corruption by a competing senator. The consul appeared on the floor of the Senate, near the statue of Bustus, a great orator and advocate of honesty, who charged the consul with bribery, collusion, and murder. This oratory and the ensuing trial were so realistic that many spectators were moved to tears. Students and teachers should consider the value of simulation as a technique to engage students in controversial issues, to develop critical thinking, and to teach effective advocacy in various domains. Mock trials appear to be effective in doing all three of these things. Even participation in a "smaller" mock trial was richly rewarding for all involved. However, there were many limitations to this mock trial presentation, including time constraints, difficulties in assembling a full-scale mock trial event, a competitive class grading format, and need for greater involvement of professional psychologists as attorneys, expert witnesses, and jurors. Students indicated an overall need to clarify specific roles and responsibilities, and there is even greater need to stress ethical boundaries beforehand. All these considerations should be carefully thought out and discussed prior to the event in the future. Yet, mock trials nevertheless appear to be a valuable approach to inclusive, engaging education that incorporates critical thinking, while advancing the ability to develop and present arguments, think and respond "on one's feet," appreciate opposing viewpoints, and analyze a complex issue from many different angles. These skills and competencies are vital in any role associated with psychology, law, legislation, and policy-making [5, 6].

Educational Benefits of Mock Trials

While mock trials are often thought of solely as a means to teach students the substantive law and procedure of trial practice, there are other educational benefits to conducting a mock trial. These educational benefits are important in and of themselves, but they also enhance the more traditional pedagogical goal of teaching law and procedure. With the increasing interest in experiential learning opportunities like trial and moot court simulations, as well as continuing growth in both mock trial programs and the number of teams competing in mock trial competitions, the educational benefits of conducting a mock trial are timely. It may be surprising to learn that a good bit of the literature on mock trials consists of critiques, suggestions and advice for instructors conducting a mock trial for the first time. These articles typically provide a brief overview of the goals of conducting a mock trial, the rationales for using a mock trial in a given class, and the logistics of conducting a mock trial. This information is helpful, but it is far from comprehensive. Instructors wishing to use a mock trial in their classes would greatly benefit from reading articles discussing these issues in greater depth. Mock trials lend themselves to conducting a case-in-chief regarding a given set of facts and arguments to present the material as evidence. There are better means of instruction, especially given an appropriate set of facts. The material lends itself to considerable latitude in presentation, as are debates between two people. Therefore, assuming the instructors largely made their own materials, this would be an excellent way to present the case to classmates. A collaborative process also forces teamwork and an appreciation for the differing parts each person plays; for example, a coach or captain has a different role than an assistant or

individual competitor. On certain matters, however, group agreement must be reached, and conflict over differing styles and interests is inevitable [7, 8].

Legal Communication Skills

Law schools aim to equip students with the necessary skills to become competent lawyers over four years of study, covering a wide array of subjects from Latin to research methodology. However, crucial communication skills essential for advocacy, negotiation, and counseling are often neglected. This gap leaves students underprepared for real-world legal communication, raising concerns about their future effectiveness. The challenge remains in integrating effective communication training into existing curricula, despite resistance from faculty who consider themselves skilled communicators. A promising solution is the implementation of mock trials, a common practice in law education. While these trials provide a rich learning experience, the focus on mock oral and written communications is lacking. Mock trials can serve as a practical method for teaching and assessing communication skills, offering students roles such as lawyers and witnesses in simulated court settings. The process begins with an introduction to trial stages, ensuring students understand their roles and responsibilities. To maximize learning, strict standards for communication content and format are enforced. The structured assignment encourages full participation, compelling students to invest significant effort into the task, fostering a realistic professional environment. Initially, students may treat the trials like a performance, but instructor expectations are tightly monitored. Ultimately, even if students believe they have succeeded, careful evaluation often reveals shortcomings in their communication abilities during the mock trials, underscoring the need for better training in effective legal communication [9, 10].

Mock Trials in Law Education

Mock trials are simulations of actual trials in a courtroom setting that help students focus on research and preparation of pre-trial elements of a mock case. Mock trials prepare students for opportunities they may face during academic life and an eventual career in law or another profession. Mock trials offer students learning opportunities not only in the area of law but in any situation. Mock trials assist students in presenting a case before a judge and jury, prepare a case as an attorney, cross-examine a witness, and be a witness. Similar to mock trials, students can prepare a case for presenting speeches or debate. Many educational disciplines can benefit from mock trials. Mock trial program assessment data support and affirm such accolades. Student survey data reveal that mock trial participants feel they progressed in legal communication skills through participation in mock trials. Such skills are the focus of mock trial assessment to provide clear expectations and criteria for student preparation and performance leading to enhanced learning opportunities. Mock trials serve as a complete assessment of student learning from a mock trial experience. They may assess knowledge of basic concepts and definitions, rules or standards, and ability to apply knowledge in the preparation and delivery of cases; understanding of major theoretical principles used in a specific practice setting; and evaluation and criticism of breakdowns in preparation or presentation of a mock trial. They may compress a year of classroom learning into an integrated task requiring design, execution of a coherent production before an audience. Verbal feedback of student-led mock trial assessments enhances students' ability to dissect and analyze performances. Mock trial design enables students to refine writing, speaking, and listening skills as they serve as attorneys, witnesses, and jurors. Professional critique from judges is an understandable endorsement of student performances, as cases are produced in letter perfect style and delivered with knowledge and enthusiasm. Student retention of legal concepts, terms, and skills is indicated and offered as justification for investment of resources and time in preparation and delivery of a mock trial performance. Faculty teaching feedback emphasized the tremendous opportunity and impact mock trials offer as instructional and learning programs. Student attitudes and behaviors changed as a result of mock trials [11, 12].

Roles In Mock Trials

There are numerous roles and responsibilities in any mock trial. Roles exist on both sides of the case, which are detailed in subsequent pages. Questions about these roles can be directed to the coach. Each team will have four or five attorney positions, depending on the number of pre-trial witnesses. Teams should allocate witnesses among attorneys before deciding who will examine and cross-examine each one. Responsibilities include: A. Basic team position statements from the pretrial memo guide individual attorneys in crafting their opening statements, requiring further preparation and rebuttal strategies to counter the opposing team's arguments. B. Attorneys must draft direct interrogations for witnesses in advance. Each direct examination should consist of four to six questions for a one-minute slot, ensuring witnesses are ready for a range of inquiries, from general to specific. An unprepared witness may raise concerns about their credibility. C. During the two rounds of mock trial, each attorney should prepare a

variety of objections and responses to anticipated questions, such as “that’s irrelevant” or “it is hearsay,” making sure objections are not overly repetitive [13, 14].

Challenges Faced in Mock Trials

Mock trials are often blamed for broken friendships and strained relationships among parents and children. Spending countless hours planning and rehearsing for a mock trial may drive mothers and fathers crazy. But it is all worth it, say many who have gone through this now-legendary program. Mock trial lessons extend far beyond that of making one a better courtroom attorney. It is about learning to think on one’s feet and verbalize thoughts and feelings clearly. It is about strategy, organization, teamwork, competitiveness, and confidence. Mock trial is a program divided into teams of eight to 25 students who must prepare a civil or criminal case. The teams then put a mock court case on in front of an actual judge. The judges score the teams on their performance. Mock trial’s real-life courtroom strategy is what sets it apart from any other high school competition. Many students taking part in the American classification program come from classrooms where they are taught how to write and research a paper in a scholarly fashion. Yet most lack the extraordinary interpersonal skills needed to bring those words to life. The competition is also unique in that it lends itself to interpretation. Two teams may have the same 12-page case, yet assemble vastly different trials. Yet each approach may be just as valid as another. Teams practice outside the classroom, often late into the night, but during the day are coached individually by a team of specialists. Many see the rise of mock trial as a mainstream activity in high schools around the nation as the result of newly endowed mock trial programs in New Jersey and Illinois. These programs each pair high schools with legal firms, which coach them through the competition. Despite the smiling faces of mockers posing for pictures donning tuxedos or eye-catching dresses, the competition has severe time demands. Life as a mock trial participant involves at least four hours of traditional homework per night, in addition to half an hour of preparation or rehearsal for every hour of competition time [15, 16].

Case Studies of Successful Mock Trials

The mock trial competition has quickly become a premier program at a well-known university. Serving as coaches and consultants, academic departments and legal organizations donate time and money to the team. Often, a sizeable part of a quite conservative endowment is set aside in case of legal action against the university. Increasingly, mock trial teams are becoming very competitive, travelling widely to participate in pre-season tournaments to attract the attention of national and regional judges. Academically brave enough to sponsor a mock trial class face immense logistical barriers, starting with the challenge of getting a dozen or so students to engage in a semester-long commitment with only occasional meetings. The month before the trial is a frenetic time. Mockers compose their opening statements and their line of questioning. They hint at trap questions for opposing witnesses, and alternate objections is thoroughly researched mechanics. During this time, mockers scramble for evidence in relation to briefs filed by the other side. They rewrite each other’s speeches and curriculum vitae with a fine tooth comb. With three weeks to go, the team assembles for the first full dress rehearsal, a grueling experience that might last up to ten hours. Starting before dawn, the team competes in a local courthouse before a group of judges who kindly furnish detailed critiques. Sitting through the day-long competition, extended family temporally seated in the jury box watch and wince as loved ones fumble gratuitously simple objections or play chips on a witness’s psychologically implausible behavior. Almost immediately after that rehearsal, many mockers begin to double down on their effort, focusing on individual skills in their shy off-hours. The last two weeks of prep are mostly intense, angry bursts of practice as students try to pull everything together and shift their focus from individual mechanics to presentation as a team. One can only guess how it feels with two days to go: overwhelmed by minutiae and endlessly re-examining particular cases, desperately attempting to remember everything involved with acting or questioning, roiling with mixed feelings about individual performances amidst a long group effort, and wondering how smooth techniques developed over the last several months will be executed during the eight rounds of competition [17, 18].

Feedback and Evaluation Methods

Mock Trials provide excellent opportunities for insuring student participation and evaluating their initial oral presentation abilities. A few points should be considered in developing feedback and evaluation criteria such as must potential mock trial participants receive instructor approval of their chosen roles, how to deal with additional roles than might comfortably be filled by real people, and how to translate attendance and participation into a single grade that adequately reflects the contributions of each individual. The key to insuring student participation is preemptive planning. One day before the first presentation of the mock trial students’ preferences regarding roles is determined. This stage was not in a

“formal” context and was not graded since only enthusiasm for roles was appraised. Each student is permitted to volunteer for their desired role during a 15 minute class and no student may select a role already chosen by another student. Subsequent to the informal selection process students had between two and three weeks to develop their individual roles before the first presentation was due 19. On the day of the first mock trial, each volunteer’s knowledge of standard courtroom procedure, especially the critical rules of evidence guiding the conduct of the trial, was tested. A missed turn to present, question, or object at a key moment and subsequent eye-rolling questioning of opposing witness would reflect poorly on a student’s credibility. Successfully holding fast to the deceptive strategies while deftly answering complicated questions posed by opposing experts would demonstrate clearly the level of interactive skill learned and applied in the trial setting. The primary goal of participation was preemptive thinking and the appropriate application of contingently learned knowledge. Five days following the mock trial all students were to receive individualized feedback regarding their procedural and content contributions [20, 21].

Future of Mock Trials in Legal Education

Mock trial is an academic event during which teams of students conduct a simulated case before a judge, jury and court reporter. The format, which mimics a real court trial, involves presenting opening statements, witness examinations, objections, and closing arguments, complete with courtroom decorum. Witnesses, played by students, provide sworn testimony based either on the case facts provided or on their own artistic interpretations of the cases’ factual foundations. Each student on the attorney side of the team analyzes the case, creating a theory and case strategy. The attorney witnesses prepare to relay their interpretation of the facts. Stage direction, notes for other witnesses and coordinators, and the use of props and courtroom layouts are all devised for presentation. During the event, students must analyze their opponents and be able to think on their feet. Many teams have garnered national accolades, such as national championships, conference titles and best attorney and best witness awards. For many students, mock trial teams provide a venue for academic enrichment, leadership opportunities, enhanced self-confidence and compelling friendships. As mock trial teams become more popular, the quality of the program skyrocket. Team members have to conduct mock interviews to whittle the wide pool of interest down to those most qualified for the team. The selected team then spends a significantly longer time analyzing the case before the first tournament, fully developing their strategy, courtroom etiquette and seeds of improvisational ability using the skills previously acquired. Further refinement occurs over the following months before tournament performances are rendered. Many tournaments have outside origins requesting access to the mock trial program. Thus teams work as representatives of their school, community and state. Some of these teams have even gone on international trips to compete against foreign opponents. More teams mean more students competing in a high-stakes venue, which heightens the excitement. But additional challenges and constraint issues arise as well: Funding, recruitment and retention of talented members, and more. Typically, schools interested in competing in mock trial form a team—with a faculty advisor—that competes in regional tournaments against other schools. At these tournaments, teams of students play the roles of attorneys and witnesses. The students take an active role in their own learning and development. Mock trial forces students to organize their thoughts, develop a strategy and think on their feet. It teaches them the instincts to let the conversation flow naturally while pursuing their objectives. It instills teamwork and, consequently, friendships, confidence and competitiveness [22, 23].

CONCLUSION

Mock trials are more than mere academic exercises; they are essential experiential learning tools that cultivate critical legal communication skills among students. By simulating real-world legal scenarios, mock trials empower students to articulate arguments persuasively, respond swiftly under pressure, and collaborate effectively with peers. The immersive nature of mock trials fosters not only legal proficiency but also professional maturity and ethical awareness. Although challenges such as time demands, role clarity, and performance pressure exist, their benefits—ranging from improved confidence to enhanced courtroom literacy—far outweigh these constraints. As legal education evolves, integrating mock trials more broadly and systematically will ensure that future legal professionals are well-equipped with the communicative competence necessary for effective advocacy and client representation.

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