

Mock Trial Pre-Test

1. Place the following "steps in a trial" in order:

- Direct examination of defense witnesses
- Verdict
- Cross examination of defense witnesses
- Discovery
- Opening statement
- Direct examination of prosecution/plaintiff witnesses
- Cross examination of prosecution/plaintiff witnesses
- Closing arguments

2. A. What is the burden of proof in a criminal trial?

B. What is the burden of proof in a civil trial?

C. Why is there a difference?

- a. seriousness of the crime
- b. level of difficulty in obtaining a conviction
- c. seriousness of the possible penalties

4. May an attorney ask leading questions during cross-examination of a witness?

Yes No

5. Are all trials conducted before a jury?

Yes No

6. In the American justice system, all people are presumed guilty until proven innocent.

True False

7. Briefly explain the basic rights outlined in the Miranda decision.

8. The jury bears the ultimate responsibility for sentencing a defendant in a criminal trial.

True False

9. List the order through which a case would progress in the courts:

- State Appellate Court
- Trial Court
- U.S. Supreme Court
- State Supreme Court

10. A defendant may waive the right to a jury and have his/her case heard before a judge in any criminal case.

True False

11. Briefly define "hearsay."

12. Attorneys may "object" to certain statements made, or questions asked, by opposing counsel. Who makes the final determination regarding these "objections?"

The jury Opposing counsel The judge

13. If an objection is overruled, the jury may take the answer into consideration during their deliberations.

True False

14. Must the decision of the jury in a criminal trial be unanimous or may it be a simple majority opinion?

Unanimous Majority

15. The laws of the United States are based on English common law.

True False

16. In a civil case, as in a criminal case, you have the right to have a court appointed lawyer.

True False

17. Mediation and arbitration are alternatives to traditional forms of litigation

True False

18. When an attorney wants to show the court that the testimony of a witness should not be believed, this is called impeaching the witness.

_____ True _____ False

19. When a jury is not allowed to go home during the course of a trial, this is called being sequestered.

_____ True _____ False

20. A hung jury results in the case being tried again with the same jury.

_____ True _____ False

21. Only people licensed to practice law in Illinois are allowed to give legal advice.

_____ True _____ False

22. To become a lawyer, you must have graduated from law school, taken and passed the bar exam, taken and passed the professional responsibility exam, proven that you have the "character and fitness" to practice law in Illinois, and been sworn in by a justice of the Illinois Supreme Court.

_____ True _____ False

23. You must be 18 years old or older to serve on a jury in Illinois.

_____ True _____ False

Teachers may use this test as a discussion tool, an assignment for students to research and answer, or as a pre-test for the mock trial experience.

Teachers: Please feel free to e-mail dschecht@isba.org for the answer sheet.

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