

MOCK TRIAL: DIRECT EXAMINATION QUESTIONS

During the mock trial, the Prosecution will call its witnesses first and question them on the stand, and then the Defense will call their witnesses and question them. Each side questioning their own witnesses is called **direct examination**. You will be creating at least five questions per witness who is friendly to your side (you may come up with more questions and answers, as needed). These questions should help your witnesses to give their testimony in a way that will help your side. Try to make these questions broad so that your witnesses will have time to talk. The answers will come largely from the witness testimonies.

Your goal should be to ask clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Remember that any fact or piece of information that you want the jury to hear needs to be said by a witness as an answer to a question during the mock trial. If the witness does not say it, then the jury does not know about it. You will want to design questions that will bring out the facts and support your case.

Suggestions for broad questions:

- How do you know the defendant?
 - What do you know about the case?
 - What happened?
 - What do you remember?
 - What happened next?
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INTRODUCTIONS

Most direct examination start with getting to know the witness's background. **Your first question or two should be to introduce the witness**. Appropriate introductory questions might include asking their name (if not already given), residence, present employment, etc. After this introduction the jury should learn why the witness is testifying.

- "Will you tell us a little bit about yourself?"
- "How are you connected to the case?"
- "Please tell the jury a bit about your background."
- "How do you know the defendant?"
- "What is your current job?"

GETTING TO THE EVIDENCE

Ask open ended questions that deal with the "who, what, when, where, why, and how" of the case.

It might help to go chronologically (in time order) for most witnesses. Expert witnesses should be asked questions based on key issues or ideas.

- "Could you please tell the court what occurred on (date)?"
- "How long did you remain in that spot?"
- "What did you hear next?"
- "How did the defendant act toward you?"
- "When did you have to be back at school?"
- "How did the victim appear?"

AVOID LEADING QUESTIONS

Do not ask leading questions. Generally, leading questions state the facts in the question and ask for a “yes” or “no” answer.

- “You waited there for 15 minutes, correct?”
- Opposing counsel can object to a leading question during direct examination.
- Not all yes/no questions are leading questions, but try to ask more open-ended questions.

GOALS:

- Ask questions which allow the witness to tell the story.
- Help the witness shine.
- Make the witness seem believable.
- Get out the facts that support your side.