

## Mock Trial and Mediation Scripts

### Volunteer Guide 2022

#### Mock Mediation Scenario

Mock Mediation is a structured problem-solving process designed to encourage the parties to identify the issue in dispute, consider options and work towards an agreement that will meet the needs of all parties. The skills required for mediation are particularly relevant to personal development. They include active listening, self-awareness, questioning, analysing, empathising, speaking clearly and logically and creative thinking.

Mediation is based on values such as respect for self and others, accepting difference, personal integrity and a belief that conflict, if handled properly, can result in a change for the better.

#### Scenario Guidelines:

- General dispute that would land 4 parties in mediation
- Mediation theme to centre on typical dispute requiring mediator (suitable for year 9 and 10 students)
- Dispute separates parties into two groups against each other
- Confidential facts are to throw a spanner in the works on the day of the mediation

#### Notes:

- Two students will act as mediators on the day, privy to the scenario, unaware of confidential facts.
- Total number of pages suggested for scenario: 4
- Total number of pages suggested for confidential facts: 1 page per individual party (4 in total, 2 lending them)

## Mock Trial Script

The Law Society of New South Wales Mock Trial competition has been running since 1981 and is open to schools across NSW for students in years 10 and 11.

The program aims to introduce students to the NSW justice system by providing practical experience into the running of a court case in a true-to-life adversarial setting. Students learn advocacy, debating and problem-solving skills.

### Script Guidelines:

- Must be a civil or criminal Trial
- Must include two (2) witnesses per side (1 page each)
- Topic/theme to be informative and contextual for year 10 and 11 school students
- Legislative case notes to reflect current legislation as much as possible, providing even support for both sides

### Material both teams will receive:

- Legal notes – note this is the only case material teams may use
- Cases – must include 2-3 relevant cases for teams to cite, and to form for/against arguments
- Charge sheet (if a criminal matter) or
- Statement of Claim and Defence (if a civil matter)
- Witness statements (x 2 per side)

### Witness Statements:

- There will be 4 statements in total (2 Prosecution/Plaintiff and 2 Defence)
- Character names and roles should be gender neutral wherever possible
- Statements can be from anyone who would normally be a witness for a situation, however try to avoid using a specialist (i.e. medical or forensic) as these can be difficult for students
- Each statement should be no more than one A4 page
- The witness statements should allow for potential "objections" i.e.: Relevance/Opinion/Hearsay/Bad Character/not using "direct speech"

## Notes:

When writing a script, it is important to keep in mind:

- Aim to write scenarios that are suitable to a young adult audience (15 – 17-year-olds)
- Stick to simple matters – students only have 2-3 hours to finalise the case.

For further information please see the below guidelines:

- Summary order of Proceedings for a **Civil** and **Criminal** trial on our website for more information regarding the structure.
- **Objection and Timesheet for Mock Trial**