

KIDS' COURT



S.J. Quinney College of Law
University of Utah

LAWYERING SKILLS
UNIT

Mock Trial Script
Right to Recess Case

Participants in Trial

5 Attorneys, Plaintiff
5 Attorneys, Defense
4 Witnesses, Plaintiff
3 Witnesses, Defense
- Plus Teacher
12-20 Jurors
Judge
Clerk

U.S. District Court for the District of Utah
Community Outreach and Public Education Program

Mock Trial Activity - Civil Case - Constitutional Issue
Right to Recess Case

Case No. 1234567

Re: Mock Trial Script

The students of _____ School are suing their teacher, _____, in Federal Court over the constitutional issue of recess. According to their School Constitution, the students are entitled to a daily recess (see Amendment 2). Earlier this month, the students were denied a recess and sued their teacher as a result.

Witness Oath: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth in this mock trial? (Wait for “yes”.) Be seated.

Judge: Would the attorneys like to give their opening statements?

Plaintiff Opening Statement

Hello. We represent the students in _____ class in _____ School. We come here today to help these students reclaim their right to recess. Earlier this month, their teacher did not give them recess and now they sue him/her. We ask that you award these students an additional recess each day.

Defense Opening Statement

Hello, students in the jury. We represent _____, the teacher in _____ School. We come to her defense as a teacher who made a decision that schoolwork and learning are just as valuable as recess. We believe that he/she should not be punished or sued because his/her students are angry about not visiting the playground. We ask that you find in favor of this teacher and understand that he/she was doing her job - to teach.

Judge: Will the plaintiff please call its first witness?

Plaintiff Witness One / Expert, Gym Teacher

Attorney P1: Your Honor, we call our first witness, the Gym Teacher.

(Witness walks to the witness stand and takes the witness oath.)

Attorney P1: Please tell us your name and job.

Gym: I am _____. I am a gym teacher.

Attorney P1: Do you believe that it is important to have recess?

Gym: Yes, I do. Students need to be able to have activity during the day to be healthy and happy.

Attorney P1: Thank you. No further questions.

Judge: Would the defense like to cross-examine?

Attorney D1: How long have you been a gym teacher?

Gym: Only a few years.

Attorney D1: Yes or no, isn't a school a place to learn mainly.

Gym: Yes.

Attorney D1: Nothing further.

Judge: Will the plaintiff call its next witness?

Plaintiff Witness Two / Student

Attorney P2: Your Honor, we call _____, a student.

(Witness walks to the witness stand and takes the witness oath.)

Attorney P2: Please tell us your name.

Student: I am _____.

Attorney P2: Are you a student in _____ class?

Student: Yes.

Attorney P2: Did your teacher give you recess earlier this month?

Student: No. One day _____ did not and we were noisy the rest of the day and upset about no recess.

Attorney P2: No more questions.

Judge: Would the defense like to cross-examine?

Attorney D2: Are you suing your teacher because you are upset still?

Student: No, not really.

Attorney D2: Is that fair?

Student: I don't know.

Attorney D2: No further questions for this witness.

Judge: Will the plaintiff call its next witness?

Plaintiff Witness Three / Expert, Psychologist

Attorney P3: Your Honor, we call _____, the Psychologist.

(Witness walks to the witness stand and takes the witness oath.)

Attorney P3: Tell us your name and what you do.

Psychologist: I am _____ and I am a psychologist.

Attorney P3: What do you study?

Psychologist: Students and their schools to find out how the schools can be better places to be.

Attorney P3: Do you think recess is important?

Psychologist: Yes, it is one of the most important parts of a school day.

Attorney P3: No further questions.

Judge: Would the defense like to cross-examine?

Attorney D3: If a classroom assignment is being completed, isn't it fair to finish students' work before recess?

Psychologist: I guess so.

Attorney D3: Don't you think that learning is also one of the most important parts of a school day?

Psychologist: Yes, learning is important too.

Attorney D3: No further questions.

Judge: Will the plaintiff call its next witness?

Plaintiff Witness Four / Parent

Attorney P4: We call _____, the parent of Michael, to the stand.

(Witness walks to the witness stand and takes the witness oath.)

Attorney P4: Tell us your name and who is your student?

Parent: I am _____, Michael's parent.

Attorney P4: Earlier this month, what happened?

Parent: Michael came home from school. All night he was rowdy and he was very upset.

Attorney P4: Do you know why?

Parent: Yes, he had not gotten to go to recess that day. So when he came home, he misbehaved more.

Attorney P4: No further questions.

Judge: Would the defense like to cross-examine?

Attorney D4: Is Michael sometimes rowdy or upset at home even if he gets to go to recess?

Parent: Yes.

Attorney D4: Is a teacher's goal to help students learn to or to help them have fun?

Parent: Learning is first but I think having fun is good too.

Attorney D4: No additional questions.

Judge: Would the defense call its first witness?

Defense Witness One / Expert, Nutritionist

Attorney D5: We call the nutritionist to the stand.

(Witness walks to the stand and take the witness oath.)

Attorney D5: Tell us your name and what you do.

Nutritionist: I am _____ and I am in a nutritionist for children.

Attorney D5: Do you think recess is the most important part of the school day?

Nutritionist: No. Eating a good breakfast and a healthy lunch during the day will give energy to make it to the end of the day. Also, school is for learning not playing.

Attorney D5: Thank you. Nothing further.

Judge: Will the plaintiff cross-examine this witness?

Attorney P5: Do you think recess is a good part of the school day?

Nutritionist: Yes, I think recess is good to work out the energy stored up from sitting in class.

Attorney P5: Doesn't recess provide a more well-balanced school day?

Nutritionist: Yes.

Attorney P5: Nothing further.

Judge: Will the defense call its next witness?

Defense Witness Two / Student

Attorney D6: We call the student to the witness stand.

(Witness walk to the stand and take the witness oath.)

Attorney D6: Please tell us your name.

Student: I am _____.

Attorney D6: Do you think recess is important?

Student: Yes, but sometimes it's ok to not go to recess. I like to play games in class or go to the library or go to the computer lab instead sometimes.

Attorney D6: I have no further questions.

Judge: Will the plaintiff cross-examine this witness?

Attorney P6: Do you like recess?

Student: Yes.

Attorney P6: Why?

Student: Because I can run and play and be loud, all the things we can't do when we are in school.

Attorney P6: Thank you. Nothing further.

Judge: Will the defense call its next witness?

Defense Witness Three / Parent

Attorney D7: We call _____, the parent to testify.

(Witness walk to the stand and take the witness oath.)

Attorney D7: What is your name and whose parent are you?

Parent: I am _____, Sara's parent.

Attorney D7: Why is school important to you?

Parent: I want Sara to have a good education.

Attorney D7: Is recess a part of that?

Parent: Yes, but it is not the most important thing.

Attorney D7: Thank you. Nothing further.

Judge: Will the plaintiff cross-examine this witness?

Attorney P7: Do you think recess is important at all?

Parent: Yes, it has a place.

Attorney P7: Do you think recess should be a regular part of the day?

Parent: Yes, that is fine.

Attorney P7: Nothing else.

Judge: Will the defense call its next witness?

Defense Witness Four / Defendant, Teacher _____

Attorney D8: We call _____, the teacher, to the stand.

(Witness walk to the stand and take the witness oath.)

Attorney D8: Are you the teacher being sued in this case?

Teacher: Yes.

Attorney D8: Do you think recess is an important part of the school day?

Teacher: Yes, but not the main focus.

Attorney D8: Why did you fail to give recess earlier this month?

Teacher: Because we had a school assignment that everyone needed to finish. I allowed the students to play “Heads Up, Seven Up” later in the afternoon instead.

Attorney D8: Thank you. No more questions.

Judge: Will the plaintiff cross-examine this witness?

Attorney P8: Do you think playing a game in class is the same thing as being able to run around on the playground?

Teacher: No, but it is a fair substitute, I think.

Attorney P8: If students have a right to recess, shouldn't they be able to enforce that right?

Teacher: You should be able to enforce your rights. But you have to be responsible in order to receive them.

Attorney P8: Thank you. No further questions.

Judge: We can proceed to closing arguments.

Plaintiff Closing Argument

In the School Constitution, Amendment Two gives the students the right to recess each day at school. Earlier this month, as these witnesses have testified, the teacher _____ did not give them any recess. Our witnesses told you this was harmful and made the students misbehave. Please help these students get their right to recess back and award them an extra recess each day.

Defense Closing Argument

Although in the School Constitution, it says that students have a right to recess, they are also given the right to learn and say they expect to do schoolwork during the school day. This teacher was only doing his/her job in expecting the students to do work in class. Recess is also a privilege that students must earn. Teach these students that going to school is about learning and being responsible not about fighting over going to the playground. Find in favor of the defendant.

Judge: Thank you, students on the jury, and now we will allow you to deliberate about this case.

