



ACCESS TO JUSTICE
CLASS IN THE COURTROOM

**Access to Justice:
Class in the Courtroom
Mock Trial**

PRESENTED BY

**Judge Victor Villarreal
Webb County Court-at-Law II**

September, 2018

MOCK TRIAL

SCRIPT & HANDBOOK

Written by

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Judge Victor Villarreal

WEBB COUNTY COURT-AT-LAW II

Dear Students:

Welcome to Webb County Court-at-Law II and to our Access to Justice: Class in the Courtroom. We created this program in 2017 so you and other students could visit us, see justice in action, and meet elected officials who are our honor guests. Effective September, 2018, the Texas Judicial Council is making our Class in the Courtroom mock trial scripts available to all Texas courts, either in our original format or adapted without the Spanish vocabulary. They are inspired by the traditions and scripts of the American Bar Association School Partnership Program and of legal scholars who implement it, especially then U.S. Circuit Judge Ed Prado, now U.S. Ambassador to Argentina.

In today's mock trial someone will be accused of breaking the law, hear the accusations made, and offer a defense. Some of you will be selected to enjoy VIP seating or to serve as deputy court officers or as jurors who will determine whether the accused committed the offense. Others will vote as the Court of Public Opinion. Whatever your role, you should learn how the law works, the importance of obeying it, and the consequences of violating it. We hope you consider the process as entertaining as it is educational.

This handbook, written especially for you by Senator Judith Zaffirini, PhD, complements the mock trial script that she also wrote. It includes seven sections:

- Courtroom Activity and Seating
- Steps in a Trial
- Valid Grounds for Objections
- Questions Students Often Ask
- Mock Trial Vocabulary
- Summary of the Mock Trial
- About the Judge

As you read you will see special words and terms (legal vocabulary) likely to be used during the trial. These are shown in **bold** and defined in their special section.

You will have an opportunity to ask questions, and I will do my best to answer them. We hope you enjoy learning and thinking critically about justice in the courtroom, due process, that everyone is innocent until proven guilty, social justice lessons, and fun facts. The American system of justice is the best in the world!

Respectfully,



Courtroom Activity and Seating

Look around, and you will see the **courtroom** was built and organized for trials. The **judge** sits at the **bench**, which is higher than the rest of the chairs so he or she can see everyone easily. Throughout this **mock trial** you will note the judge's job includes making sure everyone is as polite and respectful as possible, takes turns talking, does not use bad language, and sticks to the facts.

The judge is the “boss” of the courtroom. He or she wears a black **robe** and has a **gavel**. These are **symbols of respect and authority** and show who is in charge. **Attorneys** typically call the judge “**Your Honor**” and often say, “May it please the court” before they talk.

The **bailiff** stands close to the judge and is in charge of the safety of the judge and of everyone in the courtroom. Other staff members in the courtroom include the **court reporter**, who writes down everything that happens and is said; **court coordinator**, who is in charge of court files in the courtroom; **court clerk**, who is the official record keeper for the **court**; and **sergeant-at-arms**, who maintains order.

The **prosecutors** (in a **criminal trial**) or **plaintiffs' attorneys** (in a **civil trial**) sit at one table with their star **witness** or **client**. The **defense** attorneys sit at another table with the **defendant** whom they represent. They typically stand when talking. If they want to get near a witness, they ask the judge's permission by saying something such as, “May I approach the witness?” or “May I approach?” Witnesses take an **oath** to tell the truth, the whole truth, and nothing but the truth. Those who lie under oath commit **perjury**.

While the prosecutors and defense attorneys question their own **witnesses** and **cross-examine** the other side's, they must do so respectfully, fairly, and within limitations. If an attorney does not, the opposing attorney may state an **objection**, which the judge either **sustains** or **overrules**. (See page 5 for valid grounds for objections.)

The **jury** is seated in the **jury box**. Because they are the “deciders,” the attorneys usually face them and talk to them as they argue their side. When talking to the judge or to a witness, an attorney faces him or her. After the prosecution and the **defense rest**, the jurors go to the **jury room** for **deliberation**. They decide whether the defendant is **guilty** or **innocent**. Meanwhile, the judge convenes the Court of Public Opinion to answer the same questions. Defendants found guilty are then sentenced appropriately, sometimes to jail time, but often to perform **community service**.

Trials are open to the public. That is why the courtroom has benches for anyone who wants to watch a trial. Observers must be very quiet at all times and cannot eat or drink anything while there. Anyone who interrupts the trial can be removed from the **court** and sometimes from the **courthouse**.

Steps in a Trial

1. The bailiff announces when a judge enters a courtroom by saying, “All rise!” to show respect. Everyone stands until the judge says, “Please be seated.”
2. The jury is seated where members can see all trial actions easily.
3. The **charges (accusations)** against a defendant are filed by the prosecutor in a criminal trial, and **claims** (accusations) by the plaintiff in a civil trial.
4. The judge asks the prosecutors or plaintiffs and the defense lawyers if they are ready for trial.
5. **Opening statements** are made by the prosecutors or plaintiffs first, and then by the defense lawyers. Each side argues that its side is right and the other side is wrong and pleads with the jury to agree with him or her.
6. The prosecutors or plaintiffs go first as attorneys call witnesses to **testify** that the defendant did something wrong or committed a **crime**.
7. Defense attorneys may **cross-examine** those witnesses to try to weaken statements against the defendant and get **testimony** to help him or her. Rebuttals by the prosecutor or plaintiff are skipped in these mock trials, simply because of lack of time.
8. When a witness is testifying, the other side may say, “**Objection**,” and the judge decides whether to **sustain** or **overrule** the objection.
9. After the prosecutors or plaintiffs have finished with their **case in chief**, they announce that “the **prosecution rests**” or “the **plaintiff rests**.”
10. Now the defense attorneys call their witnesses to get testimony that will help the defendant and hurt the arguments made by the prosecutors or plaintiffs.
11. The prosecutors or plaintiffs may cross-examine each defense witness.
12. After the defense attorneys have finished with their last witness, they announce that “the **defense rests**.”
13. Now it is time for **closing arguments**, beginning with the prosecutors or plaintiffs and followed by the defense lawyers. Each side repeats its strong points, quotes favorable testimony of its witnesses and weak or **contradictory** testimony of the other side’s witnesses, and tries to rebut the other side’s points. The prosecutor or plaintiff ordinarily has the last word, but mock trials omit rebuttals.
14. The **judge instructs the jury** what it must do.
15. The judge asks everyone to rise as the jury goes to another room for **deliberation** and to decide on a **verdict**, such as **guilty** or **not guilty**.
16. The judge asks everyone to rise as the jury returns to announce its verdict.
17. The judge **adjourns the trial** and, if the verdict is guilty, announces an appropriate punishment, usually jail time or community service.

Objection, Your Honor!

Valid Grounds for Objections

Throughout the mock trial you will hear either the prosecutor or the defense attorney say, “Objection, Your Honor!” Then the judge rules whether to sustain (approve) the objection or overrule (disapprove) it. The following are the most common valid grounds for making objections that are likely to be sustained:

Argumentative: arguing while asking the question

Asked and Answered: asking a question that was answered earlier

Badgering: attacking, intimidating, or yelling at the witness

Character Evidence: making assumptions about someone’s behavior or character

Compound Question: asking two or more questions for one answer

Facts Not in Evidence: asking about information that isn’t entered in record

Foundation: not laying groundwork for all parts of the question

Hearsay: talking about something heard, not seen (There are exceptions.)

Lack of Personal Knowledge: lacking first-hand information

Leading: wording question to get desired response, instead of yes/no answer

Non-responsive: not answering the question

Opinion: asking for or offering opinion from anyone other than an expert

Relevance: asking or answering with information unrelated to issue at hand

Speculation: answering about guessing, thinking, assuming—not knowing

Questions Students Often Ask

Who has to go to trial?

Everyone has the right to his or her “day in court.” That means defendants who are accused of breaking the law go to trial to hear the accusations against them and to respond to the prosecutor’s attempt to prove their guilt.. Persons who believe they have not been treated fairly under the law can file a lawsuit as plaintiffs. The prosecutor or plaintiff and the defendant who is accused of breaking the law then go to trial to argue their respective sides in the presence of a judge and sometimes also of a jury.

Is everyone who goes to trial a criminal?

No. In criminal cases those who are accused of criminal activity are innocent until proven guilty and are considered criminals only if the prosecutor proves their guilt beyond a reasonable doubt and if they are found guilty.

Civil cases bring together persons who accuse others of breaking the law but are not accusing them of being criminals. These often involve business arguments or other areas of the law such as divorces and family fights.

How do I become a judge?

To become a Supreme Court, appellate, district, or county court-at-law judge, you have to go to college and law school and have experience practicing law. Then you run for election or appointment to fill a vacancy. County judges and justices of the peace do not have to be attorneys, but must run for election or appointment. Municipal court judges have to meet the requirements defined by their respective cities.

Texas judges typically are elected by voters to serve for four years. If a judge resigns, the Governor or Commissioners Court can name someone to complete the term.

How do I become an attorney?

To become an attorney first you have to earn a college degree and a law degree. Then you have to “pass the bar,” which means you have to pass an intense examination administered by the State Bar of Texas. Attorneys who pass the exam receive a license to practice law in Texas.

What is a mock trial?

A mock trial is a learning experience that is similar to a real trial. Typically it is prepared to help students learn about our system of justice and to see justice in action.

Mock Trial Vocabulary

The words listed below have much longer definitions. If you want to learn more about them, simply use your favorite dictionary.

Accomplice: person who assists in or fails to prevent a crime and is equally liable

Accusation: a claim that someone has done something wrong or against the law

Adjourns the Trial: ends the trial

Aiding and Abetting: assisting and encouraging

Aka: someone known by a given name and is “also known as” another name

Alienation of Affection: deliberately ruining the relationship of a couple

Allegation: unproven accusation that someone did something wrong or illegal

Allege: accuse someone of something thought to be true, but not proven

Allegedly: indicates a claim for which there is no proof

Assault: cause bodily harm to someone

Attempted Murder: trying to kill someone

Attorney or Lawyer: person who speaks for another in court (or elsewhere)

Authority: the judge’s power to decide or to order persons to obey or to behave

Bailiff: person who is in charge of security and conduct in the courtroom

Bench: the big, high desk and seat where the judge sits in the courtroom

Beyond a reasonable doubt: when there is no reasonable doubt in the mind of a reasonable person that the defendant is guilty

Bias: preference for one person or issue over another

Breaking and Entering: the crime of entering a home or other enclosed property without permission and using even slight force (such as pushing a door open), usually to commit a burglary. If there is no burglary, the crime often is called illegal trespass.

Bribe: giving a gift to cause someone to take a certain action

Bullying: deliberately hurting, threatening, or scaring someone with words or actions

Burglary: entering a building illegally to commit a crime, especially theft

Case in Chief: part of the trial after opening statements and during which the prosecution or plaintiff has to prove its case by offering testimony and evidence.

Chambers: the room the judge uses as his or her office

Charges: an accusation of doing something wrong or against the law

Circumstantial: evidence that indirectly, not directly, points to the defendant's guilt

Civil Trial: legal dispute to be settled in court and does not involve criminal charges

Claim: accusation against a defendant filed by the plaintiff in a civil case

Class Action Suit: lawsuit filed by a group with the same or similar injuries caused by same product or action

Client: person represented by an attorney

Closing Statements: what attorneys say at the end of the trial that is good for their side and bad for the other

Community Service: punishment of designated number of hours of performing service that benefits the community, such as helping the homeless build homes

Conspiracy: secret plan by several persons to do something wrong/hurtful

Contempt of Court: being rude to or disobeying the judge

Contradictory Evidence: information presented in court that is different from other information

Conversion: unlawful control of someone's property, causing loss of its use or value

Counsel: lawyers in charge of the case in court

Counselor: lawyers in charge of the case in court

County Court-at-Law: a court that operates within a county and can handle civil and criminal cases

Court: place where trials are held

Courthouse: building where the courts are

Courtroom: the room where trials are held

Court Clerk: person who keeps the papers organized in court

Court Coordinator: person who keeps the court activities and calendar organized

Court Reporter: person who writes down what people say in the courtroom

Crime: an act that is against the law and for which a person can be punished in court

Credibility: whether someone should be believed

Criminal Trial: legal dispute in court that involves accusations of committing a crime

Cross Examination: questions asked to criticize or correct what a witness said to the attorney on the other side

Cyberbullying: deliberately hurting, threatening, or scaring someone with words or actions through the Internet

Damages: monetary award sought for injury caused deliberately or by negligence

Decorum: proper behavior

Defendant: person accused of doing something wrong or committing a crime

Defense Attorneys: attorneys who represent the person accused of doing something wrong (defendant)

Defense Rests: what the defense attorney says when he or she will call no more witnesses

Deliberation: discussion by the jury of whether the defendant is guilty or not guilty

Discrimination: unfair treatment because of race, ethnicity, age, sex, etc.

Dispute: to disagree or argue

Disregard: to ignore something that was said or done

Docket: a calendar or schedule of cases for trial

Evidence: facts or information used to prove whether something is true

False Arrest: arresting someone without a valid reason or the authority to do so

False Charges: accusations that are not true

Gavel: a wooden “hammer” with a big top that the judge can use to call for attention or order in the courtroom

Fraud/Fraudulently: deliberate deception to gain an unfair or unlawful advantage

Guilty: jury’s decision that the defendant did what he or she was accused of doing

Hearsay: statements made outside of court and that generally are disallowed, although there are exceptions

Imminent Danger: when a person seems ready to hurt or be hurt by someone

Impersonation: pretending to be someone else to trick others and gain an advantage

Innocent: means the defendant was not guilty of accusations

Judge: the “boss” of the courtroom who keeps everyone behaving well

Judge Instructs the Jury: what the judge tells the members of the jury before they meet to decide whether the defendant is guilty or not guilty

Jurisdiction: power to make decisions about the law

Juror: member of the jury that will decide whether a person did what he or she is accused of doing

Jury: 12 persons selected to decide whether a person is guilty or not guilty

Jury Box: special area where the jurors sit together and can see trial activities well

Jury Room: the room where the jurors meet to deliberate the outcome of the trial and whether the defendant is guilty

Kidnap: to take someone away by force or keep someone in a controlled space

Lawsuit: dispute between two or more persons that will be settled in court

Lawyer or Attorney: person who speaks for another in court (or elsewhere)

Leading: wording a question to get desired response, instead of yes/no answer

Liable: responsible for certain actions under the law

Litigant: person involved in a lawsuit

Maliciously: doing something mean; trying to hurt someone

Mental Anguish: feeling really bad, nervous, or depressed

Mock Trial: a learning experience for students that is like a real trial

Not Guilty: jury's decision that the defendant did not do what he or she was accused of doing

Oath: promise to tell the truth, the whole truth, and nothing but the truth

Objection: when an attorney argues against what the other side said or did

Offense: an illegal act; disobeying the law

Opening Statements: what attorneys say at the beginning to tell the jury what to expect to hear that is good for their side and bad for the other side

Out of Order: not following the rules of the judge or court

Overruled: what the judge says when not agreeing with an attorney's objection

Pass the Witness: what attorney says after asking last question and before opposing attorney questions the same witness

Perjury: lying in court after swearing to tell the truth

Perpetrator: person who commits a crime

Personal injury: an injury to the body, mind, or emotions (not to property)

Plaintiff: person who accuses another of doing something wrong

Prejudice: feelings or opinions held before getting information or having experience

Proof: information that shows something is true

Property Damage: damage to property caused deliberately or by negligence

Prosecutor: attorney who represents the person accused of a crime

Plaintiff or Prosecutor Rests: what the prosecutor or the attorney representing the plaintiff says when he or she will call no more witnesses

Prosecuting Attorneys: attorney who accuses someone of breaking the law and committing a crime

Represent: speaking for another person in court, such as an attorney who speaks for the plaintiff or the defendant

Respect: positive feeling for a person and his or her position

Robe: the gown, usually black, that the judge wears in court

Rule of Law: principle that all are subject to law, applied and enforced equally

Sentence: punishment for defendant who is found guilty

Sidebar: area near judge's bench where lawyers can speak and not be heard by jury

Slander: making untrue statements that hurt someone's reputation

Sound Block: the block on which the gavel is banged to protect furniture

Star Witness: best witness for the prosecution, plaintiff, or defendant

Stipulate: agree something is true so there is no need to argue about it

Stockholm Syndrome: term used to describe victims who develop trust in or affection toward the person holding them against their wills

Sustained: what the judge says when agreeing with an objection by an attorney

Symbols: something that stands for or reminds you of something else

Take the Stand: to testify at a trial from the place provided for witnesses

Testify: talking in court as a witness under oath

Testimony: what someone says in court under oath

Theft: the crime of taking someone's property without permission

Trespassing: entering someone's home or property without permission

Trial: courtroom activity to decide who is right or wrong, guilty or not guilty

Your Honor: term of respect used to address a judge in a courtroom

Vandal: person who deliberately destroys or damages public or private property

Verdict: jury's decision that someone is guilty or not guilty

Victim: someone hurt or killed in a crime or accident

Witness: person who testifies under oath in the courtroom

Webb County Court-at-Law II
Judge Victor Villarreal
September 27 and 28, 2018

**Summary: Criminal Mock Trial of Alejandro versus the Beast,
aka the Prince**

Plaintiff: The prosecution accuses the Beast, aka the Prince, of impersonation, kidnapping, and fraud. Alejandro, the star witness, says the prince impersonated a beast to gain Beauty's sympathy and love. Then he imprisoned her, keeping her from marrying Alejandro, and risked her mental health by tricking her into thinking she could read widely and succeed in business. He says the Beast treated Beauty like a man.

Defense: The defense argues the Beast is innocent of all charges. He says he didn't impersonate a beast, but, rather, was turned into one by the Enchantress. He also denies having imprisoned her, stressing she offered to stay with him in exchange for his releasing her father, who had stolen a rose from his garden. Beauty was neither tricked nor bribed; she fell in love with the Beast as he grew increasingly kind and supportive.

Witnesses for Plaintiff: O. Tró Sáingron testifies the Beast kidnapped Beauty, stopping her marriage to his BFF, Alejandro. The Beast tricked her to gain her love, and then he turned into a prince. They may deserve each other, since she acts like a man, and he showed his support by giving Beauty his library and becoming her business partner.

Witness for Defense: The Enchantress testifies she turned the Prince into the Beast because he behaved so badly. After he learned his lesson and gained Beauty's love, she changed him back. Beauty testifies she chose to stay with the Beast, fell in love because he was so kind and supportive, and never expected him to become a handsome prince.

Closing Arguments: The prosecution asks the jury not to be fooled by this fake Prince Charming who stole the heart of Alejandro's bride-to-be, Beauty, aka Bell, Belle, and Bela. He impersonated a beast to gain her sympathy and love and forced her to stay with him. Then he showered her with gifts; granted her foolish, man-ish dreams—even opening her own Taco Bell; and tricked her into falling in love with him. That is fraud, clear and simple. He is guilty of all charges. A proper punishment would be to make him live the rest of his days as the horribly disgusting, drooling beast he pretended to be.

The defense says the evidence showed the Enchantress turned the Prince into the Beast, clearing him of impersonation. Beauty testified she chose to stay with him, so he didn't kidnap her, and he captured her heart by becoming loving, caring, and giving. The Enchantress turned him back to be as beautiful outside as he was inside, though previously she had made him as ugly as he was on the inside. No fraud was committed. The Prince learned his lesson the hard way. He and Bela want to live happily ever after as equal business partners who will promote equal opportunity and literacy for all.

– Senator Judith Zaffirini



About Judge Victor Villarreal

Webb County Court-at-Law II Laredo, Texas

Judge Victor Villarreal was appointed by Webb County Judge Tano Tijerina and Commissioners Jaime Canales, John Galo, Jesse Gonzalez, and Wawi Tijerina to serve as Judge of Webb County Court-at-Law II in April, 2017. He promised them he would treat everyone fairly and respectfully, whether they were rich or poor and went to court with or without an attorney. On March 6, 2018, he was elected to a four-year term that begins in January, 2019, and ends in January, 2023.

Doing more with less, he has reformed the court, eliminated a backlog of cases, streamlined activities, improved guardianship, and reduced the budget and staff. His goal is to transform Webb County Court-at-Law II from the worst audited court in the state to the best and to earn its recognition as a Center of Excellence by the Texas Office of Court Administration.

From humble beginnings, Judge Villarreal was born in Laredo and was brought-up by his mother, a public school teacher, after his father died when he was only 12. One of his grandfathers was the gardener at the courthouse, and his other grandfather shined shoes and sold magazines in downtown Laredo. His uncle made and sold candy apples at the courthouse. They taught him the value of hard work and education.

He is a graduate of Texas A&M International University and of The University of Texas School of Law. Before becoming a judge he had his own law firm, Villarreal & Romero, PLLC, and represented persons in every area of the law that is considered in Webb County Court-at-Law II. His favorite activities include inviting students and their teachers and families to see justice in action, including by participating in mock trials.

Judge Villarreal is married to another Laredoan, Lorena Martinez-Villarreal. They have two beautiful daughters, Sofia, 3, and Andrea, 2. Fluent in English and Spanish, the judge and his wife hope their children and others who grow up in Laredo will embrace opportunities to be bilingual (speak two languages), biliterate (write in two languages), and bicultural (honor two cultures).

His message to boys and girls and to young men and women is simple: "If someone like me, from my humble beginnings, can, through hard work and education, become an attorney and a county court-at-law judge, any one of you can become an attorney and then a district judge or even a judge on the Texas or United States Supreme Court. To live your dreams, do your best at school and always serve others."

Notes

Access to Justice: Class in the Courtroom Criminal Mock Trial of Alejandro vs the Beast, aka the Prince