

Role and Responsibilities of the Teen Court Defense Attorney

The role of the Defense Attorney is to represent a client zealously within the bounds of the law. The Defense Attorney must not represent persons if his/her ability to represent them effectively is impaired. Like the prosecutor, the Defense Attorney has the duty to maintain public respect for the judicial system.

Youth acting as attorneys must be willing to come to court prepared to present their case. The Defense Attorney will be provided with a summary sheet giving facts regarding the particular case to be heard. Case paperwork must be handled in a confidential manner and shredded upon completion of case. Defense Attorney are asked to call their clients prior to court.

- A Defense Attorney is an advocate for the Juvenile Offender. The Juvenile Offender should be presented in the best possible light. While the Defense Attorney must zealously seek to help his/her client, he/she must never misrepresent the case. To prepare the case, the Defense Attorney should be familiar with the aggravating and mitigating circumstances.
- During pretrial, the Defense Attorney will have the opportunity to meet with the Juvenile Offender and prepare his/her case. The Defense Attorney will interview the Juvenile Offender to learn the circumstances surrounding the offense. The Defense Attorney should never advise, insinuate, or encourage the Juvenile Offender to change his/her story in hope of a lighter verdict, but should always stress that the Juvenile Offender must remain true to the facts. At this time, the Defense Attorney should also familiarize the Juvenile Offender with the hearing proceedings.
- Once the hearing has started, and the Jury has been sworn in, the Defense Attorney will give an opening statement.
- Direct examination follows the opening statements. The Defense Attorney will question the Victim, the Juvenile Offender's parents/guardian, and/or the Juvenile Offender to elicit responses that enable the jury to learn the facts of the case. For the Juvenile Offender, questioning can include, i.e., the shame of committing the crime, the fact his/her parents punished the Juvenile Offender or the Juvenile Offender did not mean to commit the crime, the Juvenile Offender feels remorse over the offense. The questioning and responses should justify the request of a lesser verdict.
- After direct examination of the Defendant, the Prosecutor will have the opportunity to cross-examine the witnesses called. This line of questioning is limited to the facts brought out in direct examination.
- The Defense Attorney then gives a closing argument for the Jury. It should be a concise and organized summary of mitigating factors supported by the evidence brought out in testimony. The Defense Attorney can point out to the Jury the facts which may help convince the Jury to render a less burdensome disposition.

Counsel Guidelines/Suggestions for Teen Court

The main purpose of an attorney at Teen Court is to try to convince the jury of what you believe an appropriate sentence should be. For example,

- The Defense is trying to show that the defendant is sorry for his/her 'mistake' and he/she has had enough punishment already.
- The Prosecution is trying to show that the defendant needs more punishment.

Both Prosecution and Defense should take into consideration all of the facts of the case before they ask for punishments. Prosecution should not automatically ask for the maximum and Defense should not always ask for no consequences. Ask for what you believe would serve the juvenile offender and the community best.

Counsel Must Prepare For The Hearing

Suggestions for preparation are:

- a) Read over documentation. All of the facts about the case are there. If you have any questions, you can call the Teen Court Coordinator or discuss questions with your mentoring attorney or with your client.
- b) Defense attorneys **MUST** meet with their clients or at least talk to them on the telephone before the trial. Discuss the facts of the case and what the juvenile offender's testimony will be. Remember not to coach your clients to change their story. That would be lying. If you do not call or meet with your clients, you will no longer be asked to participate as a teen court attorney.
- c) Decide on a theory of your case. This will help you to decide what kind of facts you want to bring out from the witnesses.
- d) Prepare questions to ask witnesses that you feel will back up your theory of the case. You want to ask questions that will convince the jury of your theory of the case.
- e) Ask relevant questions pertaining to the case in question. Make sure you do not repeat questions that the opposing side has asked unless you are trying to further a point that will help your case.
- f) **Opening Statements-** Prepare opening statements in advance. Make sure you tell the jury your theory of the case and how you plan to prove your theory.
- g) **Closing Arguments-** You may not be able to prepare all of your closing arguments, but you can have a basic outline of what you want to say to the jury. Tell the jury your theory of the case and how you proved it. Then suggest an appropriate sentence. Your client should approve of this sentence suggestion if you are the defense attorney.

Make sure you speak with your mentoring attorney before the hearing to discuss the case. Most mentors have participated in Teen Court before and will be able to help you prepare your case. If you have any other questions, you can always call the Teen Court Coordinator.

Counsel Opening/Closing Statements & Questioning Witnesses

Opening Statement

- Maintain eye contact with the Jury. Do not just read your statement to the jury.
- State the facts of the case clearly. Outline the story of the incident(s).
- Do not overstate your case. Be brief.
- Explain the *issues-facts-charges* of the case.

Closing Argument

- Maintain eye contact with the Jury. Do not just read your statement to the jury.
- *Prosecution*- Make sure the jury has a simple decision by giving them all the facts and reasons they need to give the verdict you asked for. Give a sentencing recommendation.
- *Defense*- Make sure you have shown your client in the best light. Ask for a sentence that you and your client agree would be fair.
- Expose the other side's weaknesses. Tell why they should believe what you have presented.

Questioning Witnesses

- Maintain eye contact with the witness. You don't want to read your questions to the witness. Notes are okay, but only if you use them to help you remember.
- Make sure to ask open ended questions. These are questions that require more than yes or no answers. Example: What were you thinking when you committed this crime?
- Be mobile. Don't stand like a statue when questioning a witness.
- Speak loud enough for everyone in the courtroom to hear your voice. A good guide is to speak a little bit louder than you think you need to speak.
- Try to tell a story with your questions. Use chronological order. You want the jury to see the facts of the case that you want to come out. Start at the beginning of the incident and ask questions that tell what happened at every step of the incident.

Case Preparation

1. The first thing to do is to go over all the materials in the information packet on the case. Be familiar with everything.
2. From the facts, start thinking about your **THEORY OF THE CASE**- This is your idea of the story. Think about all of the circumstances surrounding the case.
 - a. As a Defense attorney, you want to tell a story that will make your client look as good as possible. Remember, the facts are already there, you just want to present them in the best way possible for your client.

3. Talk to your client. Ask about the facts of the case. Ask what the client believes he/she should receive as punishment.
4. In your **Opening Statement** to the court, tell the jury your theory of the case. This is your idea of what happened and why it happened. You want your opening statements to give an outline for the jury of what you want to show them during questioning.
5. **Questioning:** Develop your questions for the case so that a story is told. You want the jury to be able to follow your questions as if they are watching a TV show. When asking the witness to describe the events, you want to start at the beginning and work your way to the end of the event.
 - a. Parents are often a good source of information on punishments and previous behavior problems. Some parents want to be called to the stand. It's a good idea to ask parents if they want to be called to the stand before the trial.
6. Pay attention to the Prosecution's questions. See how the witness responds to the questions and decide what you are going to ask on re-direct, or re-cross examination. You can always talk it over with your mentor during the trial.
7. In your **Closing Argument**, go over your theory of the case again and tell the jury how you proved your theory. Then ask them for a sentence you and your client feel is appropriate. Make sure to discuss this with your client before the trial.