

APPENDIX CHARTS TO “MOCK TRIALS AND REAL JUSTICES AND JUDGES”

Shakespeare: Author or Pseudonym

Sponsoring Organization; Location of Mock Trial	American University; Washington College of Law, Metropolitan Memorial United Methodist Church, Washington, D.C.	Date of Mock Trial	November 25, 1987
Average RA Grade	C-	Does the mock trial use actors? (number of actors)	No
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	3; William Brennan (presiding), Harry Blackmun, and John Paul Stevens	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; James Boyle and Peter Jaszi
Number of Jokes by Judges	8	Number of Jokes by Trial Attorneys	8

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Professors Boyle and Jaszi do not list clerkships on their faculty webpages.	Is the mock trial held on a stage?	No
Is the mock trial set in modern times and if not, does it reference modern times?	Yes, the trial is set in modern times.	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	C-SPAN Video Library, <i>Shakespeare: Author or Pseudonym?</i> , Nov. 25, 1987, http://www.c-spanvideo.org/program/618-1 (watched Feb. 26, 2013).	Length of Mock Trial	1 hour and 40 minutes
Nature of the Case	The principle issue in this case was to determine if the plays and sonnets attributed to Shakespeare were actually written by Edward De Vere, the 17th Earl of Oxford.		

<p>First RA Grade & Comments</p>	<p>D; There was no legal dispute, nor any attempt to fashion one. Justice Brennan articulated a standard of proof at the beginning of the trial, but the parties did not reference it, or really attempt to prove much of anything beyond an impressionistic smattering of historical trivia about William Shakespeare's life. In other words, it was difficult to ascertain what the parties were arguing about, and how one should have gone about arguing it. The quality of argument was also uniformly terrible: the lawyers didn't seem to really know their own briefs, or in any event, did not distill them into coherent oral arguments. Their remarks did not advance a coherent narrative. To be fair, the premise did not lend itself to good argument: there seems to be little factual basis for the lawyers to go on, so they were forced to resort to rampant speculation to support their points. (The Justices called the lawyers on this, but the problem seems to have been a lack of evidence in the record.)</p> <p>Disastrous! The trial was argued by two then-young professors at American University Washington College of Law. Professor Jazni, arguing on behalf of the Earl of Oxford, possessed inadequate public speaking skills for the task. He was unconvincing, both because he did not answer questions very successfully, but also because his general demeanor did not inspire confidence. Professor Boyle, representing William Shakespeare, did much better, but largely by comparison. He lacked presence. The Justices (Blackmun, Stevens and Brennan) were overall quite good. They asked excellent questions, and routinely seemed better informed about the relevant history than the lawyers. Justices Stevens and Brennan, in particular, asked a good number of very good questions that the lawyers struggled to answer. However, the effect was to make the whole trial seem a bit like a self-congratulatory exercise. In sum, the low quality of argument, the lack of a plausible legal dispute, and the self-congratulatory feel of the proceedings earned the trial a D.</p>
---	--

Second RA Grade & Comments	C; This mock trial did not involve a legal issue but rather a disagreement over the authorship of Shakespeare's plays. It was refreshing to hear the Justices mention that they had a limited ability to resolve this debate and that it is for historians to address. Nevertheless, the Justices and attorneys attempted to litigate this matter. The litigation was thoughtful but mostly involved speculation about uncertain events from Shakespeare's life. Additionally, during the trial, Justices Stevens and Brennan disagreed on the required standard of proof in order to determine that Shakespeare was not the author of the plays attributed to him.
---------------------------------------	---

Shakespeare Authorship Trial

Sponsoring Organization; Location of Mock Trial	Boston Bar Association; Faneuil Hall, Boston	Date of Mock Trial	November 12, 1993
Average RA Grade	D+	Does the mock trial use actors? (number of actors)	No
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Edward Harrington	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Philip Cronin and Allan van Gestel
Number of Jokes by Judge	4	Number of Jokes by Trial Attorneys	3

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Neither of the lawyers list clerkships on their websites.	Nature of the Case	The principle issue in this case was to determine the authorship of the plays attributed to Shakespeare.
Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses?	Yes	Is there a jury and if so, is it the audience?	Yes; No
Source	PBS , "The Shakespeare Mystery," <i>Frontline</i> , Nov. 12, 1993, http://www.pbs.org/wgbh/pages/frontline/shakespeare/debates/bostondebate.html (visited Mar. 5, 2013).	Length of Mock Trial	Approximately 1 hour and 45 minutes

First RA Grade & Comments	C-; This mock trial did not involve a legal dispute but rather addressed the authorship of Shakespeare's plays. It seemed silly that two Shakespeare witnesses took oaths to tell the truth (yet their speculative statements seemed too definitive) and that the lawyers introduced exhibits. The judge limited himself to ruling on objections and to giving the jury deliberation directions, which he laced with humor and puns using Shakespearian language.
Second RA Grade & Comments	D; The petitioner of this mock trial states that "an excellent way to shed further light on the [authorship] issue is to combine the discipline of the law with expert historical scholarship." He is wrong. The trial structure adds nothing to this already silly debate. Each side has one expert witness, who outlines the basic Stratfordian and Oxfordian positions. The Shakespeare Authorship Question Wikipedia page illuminates more than this trial does. At least the participants take their limited material seriously and didn't attempt to create some kind of costumed English Renaissance fraud trial.

Hamlet

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Supreme Court, Washington, D.C.	Date of Mock Trial	March 17, 1994
Average RA Grade	C-	Does the mock trial use actors? (number of actors)	Yes (Hamlet)
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No

Number of Participating Judges as Judges; Name of Participating Judge	1; Anthony Kennedy	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	5; Abbe Lowell, James Feldman, Meyer Feldman, Ted Olson, and Peter Wallison
Number of Jokes by Judges	3	Number of Jokes by Trial Attorneys	4
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Abbe Lowell does not mention a clerkship on his firm webpage.	Is the mock trial held on a stage?	No
Is the mock trial set in modern times and if not, does it reference modern times?	No; Yes, the two witnesses, Dr. Thomas Gutheil and Dr. Alan Stone, are identified as experts by their affiliations with Harvard University.	If not set in modern times, does the mock trial reference modern law?	Yes, the standard used for evaluating Hamlet's claim of insanity was paraphrased from 18 U.S.C. §17 but this case was supposed to have occurred in Denmark while Hamlet was still living.

Does the mock trial have witnesses? (number of witnesses)	Yes (2)	Is there a jury and if so, is it the audience?	Yes; No (Ruth Bader Ginsburg served as a juror)
Source	C-SPAN Video Library, <i>Trial of Hamlet</i> , Mar. 17, 1994 http://www.c-spanvideo.org/program/Haml (watched Feb. 19, 2013).	Length of Mock Trial	1 hour and 48 minutes
Nature of the Case	The principle issue in this case was whether Hamlet was insane at the time of Polonius's murder and could therefore be held criminally responsible for killing Polonius.		
First RA Grade & Comments	C+; The attorneys and Justice Kennedy acted professionally and took this case seriously. Justice Kennedy limited himself to monitoring the time of lawyers' arguments and providing instructions to the jury. However, it seemed silly to have an actor playing Hamlet at the trial. He rolled his eyes several times during some of the prosecutor's questions of the Crown's expert witness and held his head after it was determined that he was fit to stand trial. Moreover, the audience found this case somewhat ridiculous and laughed on at least 22 occasions when the attorneys did not intend to joke. Suggesting the entertaining nature of this mock trial, the audience also clapped for the attorneys after a defense attorney cross-examined the Crown's expert witness and at the conclusion of closing arguments.		
Second RA Grade & Comments	D-; It was properly grounded in the facts as provided by Shakespeare, but the topic was not based on a clear body of law and the lawyers were not serious in their presentations. There were lots of jokes throughout.		

Trial of Thomas Jefferson

Sponsoring Organization; Location of Mock Trial	Association of the Bar of the City of New York; New York, NY	Date of Mock Trial	June 14, 1994
Average RA Grade	D	Does the mock trial use actors? (number of actors)	No
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Participating Judges; Name of Participating Judge	1; William Rehnquist	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Charles Ogeltree and Drew Days
Number of Jokes by Judges	1	Number of Jokes by Trial Attorneys	5
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	Yes

Is the mock trial set in modern times and if not, does it reference modern times?	Yes; The prosecution refers to modern ideas regarding slavery, the status of women, and free speech. The defense points out the issue of applying modern ideas to historical standards.	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses? (number of witnesses)	Yes (2)	Is there a jury and if so, is it the audience?	Yes; Yes
Source	C-SPAN Video Library, <i>Trial of Thomas Jefferson</i> , Jun. 14, 1994, http://www.c-spanvideo.org/program/57787-1 (watched Feb. 19, 2013).	Length of Mock Trial	2 hours and 11 minutes
Nature of the Case	Thomas Jefferson was charged with hypocrisy and faced the following counts: 1. Subverting the independence of the federal judiciary; 2. Living in the lavish manner of Louis XIV and not following agrarian ideals; and 3. Inadequate fidelity to the Bill of Rights.		
First RA Grade & Comments	D; The concept of trying Thomas Jefferson for hypocrisy is a bit odd. Apart from courtroom procedure, there is no clear body of law governing a trial for hypocrisy. The historical information conveyed during the trial was accurate.		
Second RA Grade & Comments	D; This case is ridiculous for several reasons. Jefferson is charged with hypocrisy as if it is a criminal charge and the audience jury is employed to determine the truth of this charge and whether it substantially impairs Jefferson's historical legacy but there is little substantive discussion of Jefferson's legacy. Additionally, it seems unfair to evaluate charges of hypocrisy against Jefferson roughly two centuries after he lived. Finally, Chief Justice Rehnquist interrupted the examination of the defense's witness with a question of his own and also decided the jury's verdict by clumsily counting the many hands of the audience from his bench.		

Hamlet

Sponsoring Organization; Location of Mock Trial	Chicago Humanities Festival; The Art Institute, Chicago, IL	Date of Mock Trial	November 12, 1994
Source	Charles Storch, "To Convict, or Not to Convict? Mock Murder Trial Will Decide Whether Hamlet Was Insane When He Killed Polonius," <i>Chicago Tribune</i> , Nov. 9, 1994, p. C1.	Nature of the Case	The principle issue in this case was whether Hamlet was insane at the time of Polonius's murder and could therefore be held criminally responsible for killing Polonius.
Is the mock trial based on fabricated events?	No	Is the mock trial based historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Anthony Kennedy	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	7; William Bauer, George Cotsirilos, Matthew Kennelly, James Montgomery, Richard Phelan, Thomas Sullivan, and Ann Tighe.
Does the mock trial have witnesses?	Yes	Is there a jury and if so, is it the audience?	Yes; No

Taming of the Shrew

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Washington, D.C.	Date of Mock Trial	March 7, 1995
Source	States News Service, "Divorce Drama Adds New Twist to Shakespeare Play," <i>Times-Picayune</i> , Mar. 16, 1995, p. A2.	Does the mock trial use actors? (number of actors)	Yes (2)
Is the mock trial based on fabricated events?	Yes, Katherine never went to Court to initiate separation proceedings.	Is the mock trial based historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Gladys Kessler	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Sanford Ain and Marna Tucker

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Ain and Tucker do not mention clerkships on their firm webpages.	Is there a jury and if so, is it the audience?	Yes; No
Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A
Does this mock trial have witnesses?	Yes		
Nature of the Case	After being married for six months, Katherine wanted to leave Petruchio and recover her dowry. Judge Gladys Kessler gave a jury three choices in ruling on the marriage between Petruchio and Katherine: 1) annulment; 2) divorce; or 3) deny the divorce and "let them stew in their bilious juices"		
RA Comments	The jury could not reach a verdict. Judge Kessler referenced "the Elizabethan world of jurisprudence" and remarked that "it translates into: I can do whatever I want to do." She ruled that Petruchio and Katherine had to live together for one year and one day and would be thrown into the dungeon if they did not learn to love each other. She also decided that the fictional Padua Shelter for Abused Women would receive Katherine's dowry of land and 20,000 crowns, that Petruchio's land would become an organic tomato farm, and that the "broken lute smashed over her [Katherine] music instructor's head would be donated to the National Museum for Women in the Arts."		

Hamlet

Sponsoring Organization; Location of Mock Trial	Boston Bar Association and Huntington Theatre Company; Boston University Theatre	Date of Mock Trial	March 11, 1996
Source	C-SPAN Video Library, <i>Insanity Trial of Hamlet</i> , Mar. 11, 1996, http://www.c-spanvideo.org/program/70842-1	Nature of the Case	The principle issue in this case was whether Hamlet was insane at the time of Polonius's murder and could therefore be held criminally responsible for killing Polonius.
Is the mock trial based on fabricated events?	No	Is the mock trial based historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Anthony Kennedy	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	6; John J. Curtin, Jr., John M. Harrington, William Looney, Joan Lukey, Richard W. Renehan, and Harvey Weiner
Does the mock trial have witnesses?	Yes	Is there a jury and if so, is it the audience?	Yes; No

Richard III

Sponsoring Organization; Location of Mock Trial	Indiana University Maurer School of Law; Bloomington, Indiana	Date of Mock Trial	October 26, 1996
Average RA Grade	A	Judge Posner's Grade	A
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	2; William Rehnquist (presiding) and Randall T. Shepard; Professor Susan Hoffman Williams of Indiana University Maurer School of Law also participated as a judge.	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; James Fitzpatrick and John Walda (two law students, Paige Porter and Dennis Long, also argued)
Number of Jokes by Judges	0	Number of Jokes by Trial Attorneys	1
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No

Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	Fred H. Cate and David C. Williams, eds., <i>The Trial of Richard III: Indiana University School of Law--Bloomington</i> , 1997. C-SPAN Video Library, <i>Trial of Richard III</i> , Oct. 26, 1996, www.c-spanvideo.org/program/76271-1 (watched March 21, 2013).	Does the mock trial use actors? (number of actors)	No
Nature of the Case	In the Supreme Court of the State of Historia, the judges presided at a criminal trial of Richard III for the murders of Prince Edward and Prince Richard.		
First RA Grade & Comments	A; This mock trial was the best among the 17 that I have seen. It was very educational and the participants were professional and thoughtful. Besides creating the court, this mock trial did not stray from available historical evidence and therefore avoided basing its arguments on counterfactuals or fabricated events. Additionally, this mock trial did not conflate bodies of law but instead used a fabricated one. The judges appropriately recognized the difficulty of finding Richard III guilty beyond a reasonable doubt centuries after the fact.		

Second RA Grade & Comments	<p>A; This trial relied on a fictional criminal code, generated specifically for the case. There was a physical document with definitions and specific laws that the lawyers and judges referred to. They did not apply modern law to the past or historical law to the present, which was extremely refreshing. This mock trial enabled viewers (and readers of the published transcript) to experience how lawyers and judges interact with a legal code. It provided an educational overview of the relevant history. Evidence included fictional works, historical accounts and modern forensic evidence. I was impressed by the trial's exploration of how to interpret reasonable doubt in this scenario. There were almost no jokes.</p> <p>Overall, a fantastic mock trial.</p>
---------------------------------------	---

Richard III

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; West Conference Room of the Supreme Court, Washington, D.C.	Date of Mock Trial	June 4, 1997
Average RA Grade	B+	Does the mock trial use actors? (number of actors)	No
Is the mock trial based on fabricated events?	Yes, the rightful owner of a ring is disputed between the Crown and a descendent of Richard III.	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	3; William Rehnquist (presiding), Stephen Breyer, and Ruth Bader Ginsburg	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Stephen Black, James Cooper, James Fitzpatrick, and Dennis Flannery

Number of Jokes by Judges	5	Number of Jokes by Trial Attorneys	14
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	C-SPAN Video Library, <i>Inheritance Rights of Richard III</i> , Jun. 4, 1997, http://www.c-spanvideo.org/program/Inhe (watched Feb. 19, 2013).	Length of Mock Trial	1 hour and 14 minutes

Nature of the Case	The principle issue in this case was whether Richard III ordered or was complicit in the murders of his two nephews in the Tower of London, which would have prevented Richard's heir from inheriting a disputed ring.
First RA Grade & Comments	B+; The Justices' behaviors and body language suggested that the panel presided over this case as judges rather than entertainers. Ultimately, the Justices ruled that the record contained insufficient evidence to meet the burden of proof required to determine that Richard III was responsible for the murders of his nephews. This decision and the Justices' discussion of it reflect careful consideration of the arguments and record in this case.
Second RA Grade & Comments	B; This trial had a clear premise, and there was a clear and (somewhat) plausible legal dispute being heard. The case rested on fairly ample historical evidence, ranging from Shakespeare's account to contemporary documents and Sir Thomas More's description of Richard III's crimes. This allowed the lawyers to base their arguments on evidence, rather than pure speculation. The lawyers even discussed forensic evidence: the bodies of two children found in the tower, which arguably were the remains of the princes in the tower. Both sides of the dispute were ably represented by counsel. The quality of the lawyering was surprisingly high: both sides took the dispute seriously, and did a good job presenting their position and advancing a coherent legal argument for their side. The lawyers largely resisted the justices' attempts to draw them into silliness. The trial, on the whole, would merit an A were it not for the egregious conduct of Justice Breyer. Justices Rehnquist and Ginsburg asked good questions, and generally maintained a serious tone. Justice Breyer, in contrast, was clearly delighted by his own intellect and knowledge of Shakespeare's <i>Richard III</i> , and enjoyed having a forum in which to display his dazzling knowledge of the subject matter.

Trial of Lizzie Borden

Sponsoring Organization; Location of Mock Trial	Stanford University Law School; Palo Alto, California	Date of Mock Trial	September 16, 1997
Average RA Grade	B+	Does the mock trial use actors? (number of actors)	Yes (5)
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	2; Chief Justice William Rehnquist and Justice Sandra Day O'Connor.	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Charles Ogeltree and Barbara Allen
Number of Jokes by Judges	0	Number of Jokes by Trial Attorneys	5
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	Yes

Is the mock trial set in modern times and if not, does it reference modern times?	No. The defense in the closing argument gives a modern hypothetical about renting an apartment. Moreover, the prosecutor references, the "if the glove doesn't fit" line from the O.J. Simpson trial.	If not set in modern times, does the mock trial reference modern law?	No, however, the trial recites modern interpretations and descriptions of the applicable laws, such as the "reasonable doubt" burden. However, the governing laws were mostly the same as the ones applied in the original trial.
Does the mock trial have witnesses? (number of witnesses)	Yes (4)	Is there a jury and if so, is it the audience?	Yes; Yes
Source	C-SPAN Video Library, <i>Lizzie Borden Moot Court</i> , Sep. 16, 1997, http://www.c-spanvideo.org/program/91387-1 (watched Feb. 23, 2013).	Length of Mock Trial	1 hour and 26 minutes
Nature of the Case	This mock trial involved charges against Lizzie Borden that she murdered her father and stepmother in Massachusetts in 1892. The mock trial begins with Lizzie Borden's inquest testimony, which occurred at the scene of the crime. The actual trial includes four witnesses: the doctor, arresting officer, the accused's housekeeper and the accused's sister.		

First RA Grade & Comments	<p>B+; This mock trial appears to be very factually accurate. The witness testimonies were mostly taken verbatim from the trial's original transcripts. Moreover, there were very few intentional jokes in the trial. The comedic moments mostly came during the closing arguments, in particular, the defense's argument. The judges had rather minor roles in the mock trial. In particular, their main contribution was analyzing the two key issues of the original trial: (1) the admissibility of Lizzie Burden purchasing prussic acid, a common poison, prior to the murder and (2) the admissibility of Lizzie Borden's inquest testimony. The Justices reached the same conclusion as the judges in the original trial, concluding both pieces of evidence were inadmissible. The jury (crowd) voted by raising their hands and found that Lizzie Borden was not guilty, which was the same verdict as the original trial.</p>
Second RA Grade & Comments	<p>B+; This mock trial very closely followed the historical record of this case and the judges acted professionally. The trial lawyers offered thoughtful arguments consistent with the record of the case but did offer several rants of rhymes and puns.</p>

Bradwell v. Illinois Reenactment

Sponsoring Organization; Location of Mock Trial	Georgetown University Law Center; Washington, D.C.	Date of Mock Trial	April 4, 1998
Average RA Grade	B-	Does the mock trial use actors? (number of actors)	No

Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No but Justice Ginsburg played the role of Arabella Mansfield, the first woman admitted to the bar the United States. Arabella Mansfield did not represent Bradwell (In fact, although she passed the Iowa bar, Mansfield never actually practiced law).
Number of Judges Participating as Judges; Names of Participating Judges	7; Eugene Hamilton, Rufus King, Noel Kramer, Steven Milliken, Judith Rogers, Vanessa Ruiz, and David Tatel. Attorney General Janet Reno also participated, presided, and played Chief Justice Salmon Chase.	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Justice Ruth Bader Ginsburg (representing Bradwell, playing the role of Arabella Mansfield) and Walter Dellinger III (representing Illinois)
Number of Jokes by Judges	15	Number of Jokes by Trial Attorneys	19

<p>Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)</p>	<p>No but Ginsburg jokes about nepotism, mentioning that she expects "Chief Justice" Janet Reno to be sympathetic to her arguments. Furthermore, Ginsburg receives easy questions and is not interrupted by the Justices. Dellinger is interrupted all the time and asked more aggressive questions.</p>	<p>Is the mock trial held on a stage?</p>	<p>No</p>
<p>Is the mock trial set in modern times and if not, does it reference modern times?</p>	<p>No; Yes (4).</p>	<p>If not set in modern times, does the mock trial reference modern law?</p>	<p>Yes (2)</p>
<p>Does the mock trial have witnesses? (number of witnesses)</p>	<p>No</p>	<p>Is there a jury and if so, is it the audience?</p>	<p>No</p>

Source	C-SPAN Video Library, <i>Book Discussion on Bradwell v. Illinois</i> , Apr. 4, 1998, http://www.c-spanvideo.org/program/103281-1 (watched Feb. 26, 2013).	Length of Mock Trial	1 hour and six minutes
Nature of the Case	Bradwell was denied admission to the Illinois bar because she was a woman. She argued that her right to practice law was protected by the Fourteenth Amendment. The Supreme Court disagreed in its 8-1 ruling. <i>Bradwell v. Illinois</i> , 83 U.S. 130 (1873), solidified the narrow reading of the Privileges or Immunities Clause and determined that the right to practice a profession was not among these privileges.		
First RA Grade & Comments	B; Both sides make arguments with serious and interesting components. However, the mock trial includes too many cliché comments about gender. Every ten minutes, someone sarcastically notes the impropriety of having female judges or politicians. A few minutes later, someone else asserts that perhaps one day (*wink*) seeing a woman in a position of power will not be so strange. Overall, the case suffers because the Justices seem more interested in validating the role of women in the law than in weighing both sides of this case.		
Second RA Grade & Comments	C+; The litigation in this mock trial is historically informed and the judges asked good questions that reflect the principle legal considerations in this case. However, this mock trial has problems because the judges assume the identities of the Supreme Court Justices and then changed their decision in this case by overturning the decision of the Illinois Supreme Court to deny Bradwell admission to the Illinois Bar and relied on the Equal Protections clause for their reversal. The Court also referenced modern law on several occasions.		

Shakespeare Authorship Trial

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Supreme Court	Date of Mock Trial	May 14, 1998
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; John Paul Stevens	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	5; Mary Cole, Wendy Collins Perdue, John Dugan, Burt Fishman, and Jim Murray
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No

Does the mock trial have witnesses? (number of witnesses)	Yes (2)	Is there a jury and if so, is it the audience?	Yes; No
Sources	Don Oldenburg, "Shakespeare in Trouble; Who was Will Shakespeare? And Why is Peter Dickson Saying Such Terrible Things About him? By Whom?" <i>Washington Post</i> , Jan. 24, 1999, F1; Aaron Tatum, "Justice Stevens Casts Deciding Vote for Oxford in an Oxfordian Victory at D.C. Authorship Trial," <i>Shakespeare Oxford Newsletter</i> vol. 34 no. 2, p. 8 (1998).	Nature of the Case	The principle issue in this case was to determine whether Shakespeare is the author of all of the plays that have been attributed to him.

Court Martial of General George Custer

Sponsoring Organization; Location of Mock Trial	Indiana University Maurer School of Law; Indiana University Maurer School of Law, Bloomington, Indiana	Date of Mock Trial	September 18, 1998
Average RA Grade	D+	Does the mock trial use actors? (number of actors)	No

Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	Yes, General Custer did not survive the Battle of Little Big Horn and was not indicted for allegedly violating the Articles of War.
Number of Judges Participating as Judges; Names of Participating Judges	2; Ruth Bader Ginsburg (presiding) and Frank Sullivan; Professor David Williams of Indiana University Maurer School of Law also participated as a judge.	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Robert Long and Kathleen Buck (Damon Leichity and Azin Lotfi, law students, also made arguments.)
Number of Jokes by Judges	0	Number of Jokes by Trial Attorneys	0
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No

Is the mock trial set in modern times and if not, does it reference modern times?	No; No	If not set in modern times, does the mock trial reference modern law?	No
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	C-SPAN Video Library, <i>Court Martial of General Custer</i> , Sep. 18, 1998, http://www.c-spanvideo.org/program/Martia (watched Mar. 5, 2013).	Length of Mock Trial	2 hours and 7 minutes
Nature of the Case	<p>This mock trial is a court martial of General George Custer who faced charges of violating three Articles of War regarding disobedience of orders (Article 21), negligent conduct resulting in the destruction of military stores (Article 15), and negligence of duty to the prejudice of good order and discipline (Article 62).</p> <p>This mock trial assumes that Custer survived the Battle of Little Big Horn and was tried in a court martial in 1876. The judges were allowed to apply modern "general principles of criminal justice" to the court martial proceedings.</p>		

First RA Grade & Comments	D-; This mock trial is incredibly silly. This mock trial assumes the ridiculous counterfactual that Custer survived the Battle of Little Big Horn and was then tried before a court martial. Also, the judges are dressed in military uniforms and the battle song of Custer's cavalry unit was played when the judges took their seats on the bench. Finally, the judges found Custer guilty of violating Articles 15 and 62 by willfully neglecting his duty to perform reconnaissance and to enable for his forces to receive mutual support from reinforcements. The judges do not seem to have the expertise or historical knowledge to be capable of informatively making these determinations more than a century after the Battle of Little Big Horn. The judges decided to punish Custer by expelling him from the military but Custer was already dead!
Second RA Grade & Comments	C; All participants treat the subject matter seriously. There are no jokes. No one attempts to bring modern law or events into the court. Rather, the trial focuses on the Articles of War to which Custer was answerable. That said, a number of unbelievably silly things occur. The proceedings open with a performance of the 7th Calvary's battle song. All the lawyers and judges appear in period appropriate military costumes (white gloves, a military jacket and a red sash tied around the waist). And of course there are the counterfactuals. In his introduction, the moderator acknowledges that, had Custer survived, politics and back-room proceedings would determine the outcome of any actual court martial. They played no role here. The trial we see has nothing to do with what would have happened in 1876. This makes the effort behind the costumes seem even more bizarre. All of that aside, the most troubling part of this moot court is the historical analysis. The events of Little Big Horn are considered with the rigor I experienced in a high school U.S. History class.

Merchant of Venice

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Supreme Court	Date of Mock Trial	1999
--	---	---------------------------	------

Is the mock trial based on fabricated events?	Yes, the framing of this case around a college drama society being forbidden from rehearsing the <i>Merchant of Venice</i> .	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating Judges; Names of Participating Judge	1; Ruth Bader Ginsburg	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Colin Alberts, Don Bliss, Freddi Lipstein, and Miranda Johnson-Haddad
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Source	Charles Lane, "The First Thing We Do, Let's Hire All the Lawyers," <i>Washington Post</i> , Jun. 15, 2001, p. C1. Eric Fingerhut, "Bard No Longer Villain to Jews," <i>Jewish World Review</i> , June 1, 1999, http://www.jewishworldreview.com/0699/bard.html (visited Feb. 26, 2013).	Is there a jury and if so, is it the audience?	Yes; No
Does this mock trial have witnesses?	Yes		

Nature of the Case	The principle issue in this case was whether Shakespeare intended harm in his anti-Semitic portrayal of the Jewish moneylender, Shylock. The issue was framed within a fabricated case of a drama society being forbidden from rehearsing the <i>Merchant of Venice</i> because it was determined to violate Idyllic University's antiharassment policy.
---------------------------	--

Marital Woes of Henry VIII

Sponsoring Organization; Location of Mock Trial	American Bar Association, Section of Family Law; London, England	Date of Mock Trial	July 2000
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	Yes
Number of Judges Participating Judges; Names of Participating Judges	1; Peggy Quince	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	Martin Haines III (Other lawyers may have participated but they are not mentioned in the referenced sources and calls to the American Bar Association did not yield this information by the date of this article's publication.)

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Does the mock trial use actors?	Yes
Does this mock trial have witnesses?	Yes	Is there a jury and if so, is it the audience?	No
Source	Ray Moseley, "Royal Reckoning: After More Than 400 Years, the Wives of Henry VIII Get Their Due at Mock Trial," <i>Gazette</i> , July 19, 2000, p. A1; Linda Tsang, "Courting History: Mock trials offer new perspectives on key figures," <i>ABA Journal</i> , Sept. 2000, p. 105.		
Nature of the Case	The principle issues in this case were lawsuits by the six wives of Henry VIII who argued that they suffered marital torts under contemporary American law.		

Coriolanus

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Supreme Court	Date of Mock Trial	2000
--	--	---------------------------	------

Number of Judges Participating as Judges; Names of Participating Judges	1; Stephen Breyer	Source	Charles Lane, "The First Thing We Do, Let's Hire All the Lawyers," <i>Washington Post</i> , Jun. 15, 2001, p. C1. Correspondence with Eric Bailey, Special Events Manager at the Shakespeare Theatre Company, Feb. 12, 2013.
Nature of the Case	The principle issue in this case was whether Virgilian, Volumnia, and Martius were entitled to the property of Coriolanus.		

King Lear

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Supreme Court	Date of Mock Trial	June 14, 2001
Is the mock trial held on a stage?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	2; Sandra Day O'Connor, Anthony Kennedy; Professor Jeffrey Bauman of Georgetown University Law Center also participated as a judge.	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Louis Cohen, Stuart Delery, Aaron Donner, and Margaret Pfeiffer

<p>Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)</p>	<p>Yes, Stuart Delery clerked for Justice O'Connor during the 1994 term. Cohen and Donner do not mention clerkships on their firm webpages.</p>	<p>Nature of the Case</p>	<p>The principle issues in this case were whether King Lear was mentally competent when he disinherited Cordelia and whether this decision could be voided by the judges because Cordelia's sisters, Goneril and Regan, failed to "abode" King Lear and his knights.</p>
<p>Source</p>	<p>Elaine Sciolino, "Lear Gets a Break From Supreme Court Justices Who Think the Play's the Thing," <i>New York Times</i>, Jun. 16, 2001. Charles Lane, "The First Thing We do, Let's Hire all the Lawyers," <i>Washington Post</i>, Jun. 15 2001, p. C1.</p>	<p>Is there a jury and if so, is it the audience?</p>	<p>No</p>
<p>Does the mock trial have witnesses?</p>	<p>No</p>		
<p>RA Comments</p>	<p>Justice Kennedy announced that the panel ruled against Cordelia. Justice O'Connor noted that there had been a suggestion to remand the case to the Florida Supreme Court, but concurred in the ruling.</p>		

Youngstown Sheet & Tube Co. v. Sawyer Reenactment

Sponsoring Organization; Location of Mock Trial	Stanford Law School; Stanford Memorial Auditorium, Palo Alto, CA	Date of Mock Trial	October 19, 2002
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	2; William Rehnquist and Sandra Day O'Connor; Gerhard Casper, a former president of Stanford, also participated as a judge.	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Karen Stevenson and Charles Koob
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Stevenson and Koob do not mention clerkships on their firm webpages.	Is the mock trial held on a stage?	Yes
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No

Source	Lisa Trei, Reenactment of Historic Steel Seizure Case to Air on KTEH," <i>Stanford Report</i> , February 5, 2003, http://news.stanford.edu/news/2003/february5/steel-25.html , (visited March 5, 2013).	Does the mock trial use actors? (number of actors)	No
Nature of the Case	The principle issue in this case was whether President Truman had the constitutional authority to seize American steel mills in response to a wage dispute between steel workers and employers.		

Richard III

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Supreme Court	Date of Mock Trial	2003
Number of Judges Participating as Judges; Names of Participating Judges	3; Ruth Bader Ginsburg (presiding), Stephen Breyer, and Harry Edwards	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Walter Dellinger III and Kenneth Starr
Source	Correspondence with Eric Bailey, Special Events Manager at the Shakespeare Theatre Company, Feb. 12, 2013.	Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No

West Virginia v. Virginia

Sponsoring Organization; Location of Mock Trial	West Virginia Division of Culture and History; West Virginia Independence Hall, Wheeling, West Virginia	Date of Mock Trial	June 20, 2003
Is the mock trial based on fabricated events?	Yes, Virginia never filed a lawsuit in the U.S. Supreme Court to contest the admission of West Virginia to the Union.	Is the mock trial based on a historical counterfactual?	No
Number of Judges Participating as Judges; Names of Participating Judges	3; Frederick Stamp, Jr., Robert King, and M. Blane Michael	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Alvin Emch and Patrick Cassidy
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No

Source	C-SPAN Video Library, <i>Constitutionality of West Virginia</i> , Jun. 20, 2003, http://www.c-spanvideo.org/program/177209-1 .	Does the mock trial use actors? (number of actors)	No
Nature of the Case	This case was a fictitious one before the Supreme Court involving Virginia's argument that the admission of West Virginia as a state was unconstitutional and that West Virginia should be returned as a part of Virginia.		

Trial of Thomas Jefferson and Napoleon

Sponsoring Organization; Location of Mock Trial	Judge Allen M. Babineaux International Civil Law Symposium and the Center for the Development of French in Louisiana; John Minor Wisdom Fifth Circuit Court of Appeals Building, En Banc Courtroom, New Orleans, LA	Date of Mock Trial	December 19, 2003
Number of Judges Participating as Judges; Name of Participating Judge	1; Antonin Scalia	Nature of the Case	Thomas Jefferson was charged with "prolonging slavery, deporting American Indians, and discriminating against the French in Louisiana," and Napoleon was charged with "abandoning the people of Louisiana."

Did this mock trial have witnesses?	Yes	Is there a jury and if so, is it the audience?	No
Sources	Cain Burdeau, "Jefferson Guilty, Napoleon Not, Scalia Decides in a Mock Trial," <i>Associated Press</i> , Dec. 21, 2003, http://www.nytimes.com/2003/12/21/national/21LOUI.html (visited Feb. 16, 2012). Louisiana State Bar Association, "LSBA Section Hosts Final Hosts Final Stage of Louisiana Purchase Mock Trial in New Orleans," <i>Press Release</i> , Dec. 1, 2003,		

Henry IV: Parts I and II

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company	Date of Mock Trial	2004
Number of Judges Participating as Judges; Names of Participating Judges	3; Ruth Bader Ginsburg (presiding), Merrick Garland, and Gladys Kessler	Number of Participating Trial Attorneys; Names of Participating Trial	2; Robert Long and Charles Rothfield

Source	<p>"The Lawyers Committee for the Shakespeare Theatre Company Presents Its Annual Mock Trial," <i>Huliq News</i>, Dec. 20, 2006, http://www.huliq.com/2604/the-lawyers-committee-for-the-shakespeare-theatre-company-presents-its-annual-mock-trial (visited Feb. 27, 2013). Correspondence with Eric Bailey, Special Events Manager at the Shakespeare Theatre Company, Feb. 12, 2013.</p>	Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No;
Nature of the Case	The principle issue in this case was whether John Falstaff should be paid for his work for Prince Hal and reinstated as a member of the Court.		

Othello

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Washington D.C.	Date of Mock Trial	October 18, 2005
Average RA Grade	D	Judge Posner's Grade	C+
Is the mock trial based on fabricated events?	Yes, Iago was never tried or convicted for first degree murder.	Is this mock trial based on historical counterfactuals?	No

Number of Judges Participating as Judges; Names of Participating Judges	4; Ruth Bader Ginsburg (presiding), Stephen Breyer, Laurence Silberman, and Frank Schwelb	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; David Kendall and Kent Jones
Number of Jokes by Judges	17	Number of Jokes by Trial Attorneys	21
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Jones does not mention a clerkship on his firm webpage.	Is the mock trial held on a stage?	No
Is the mock trial set in modern times and if not, does it reference modern times?	No; Yes	If not set in modern times, does the mock trial reference modern law?	Yes

Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Does the mock trial use actors? (number of actors)	No	Length of Mock Trial	57 minutes (the DVD from the Shakespeare Theatre Company ended when the judges recessed for deliberation).
Source	Shakespeare Theatre Company, <i>Othello: Iago v. Republic of Venice</i> , Oct. 18, 2005, (watched Mar. 13, 2013).		
Nature of the Case	In this mock trial, the judges heard Iago's appeal of his conviction of first degree murder for aiding and abetting the deaths of Othello and Desdemona.		
First RA Grade & Comments	D; This mock trial was entertaining but did not rely on a clear body of law and involved a lot of joking. The "common law of Venice," precedents of Greek antiquity, and federal rules of criminal procedure are all referenced. There were also politically inappropriate jokes referencing the supposed incompetence of former FEMA Director Michael Brown in aftermath of Hurricane Katrina and the <i>Bush v. Gore</i> decision. Justice Breyer also facetiously asked whether Iago was responsible for the deaths of the nephews of Richard III, King Claudius, and Antony and Cleopatra.		

Second RA Grade & Comments	D; Here we have yet another unbearably silly mock trial. This mock trial was treated as an opportunity to laugh rather than deal with the material seriously. One of the lawyers quotes Jessica Rabbit, makes jokes about Jayson Blair and asserts that Iago shouldn't be appointed director of FEMA. 80% of Justice Breyer's remarks are jokes. Over half an hour he asks whether Iago had killed the princes in the tower, murdered King Claudius, and was responsible for the deaths of Antony and Cleopatra. All parties oscillate between referencing Venetian common law and modern American law, so it is difficult to know which legal code is relevant to the case. Worst of all, discussion of Iago's responsibility for Othello's death quickly devolves into a conversation about assisted suicide.
---------------------------------------	---

Trial of Aaron Burr Reenactment

Sponsoring Organization; Location of Mock Trial	Supreme Court Historical Society, the White House Historical Society, and the U.S. Capital Historical Society; Courtroom of the U.S. Supreme Court	Date of Mock Trial	March 27, 2006
Is this mock trial based on fabricated events?	No	Is this mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Antonin Scalia	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Eugene Scalia and Robert Fiske

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Yes, while Eugene Scalia was not a clerk of Justice Scalia, Eugene is his son.	Is the mock trial held on a stage?	no
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	Orin Kerr, "Aaron Burr and Antonin Scalia, Acting Chief Justice," Mar. 27, 2006, http://www.orinkerr.com/2006/03/27/aaron-burr-and-antonin-scalia-acting-chief-justice/ (visited Mar. 5, 2013).	Does the mock trial use actors? (number of actors)	No
Nature of the Case	The principle issue in this case was the evidence that the prosecution could introduce in its efforts to convict Burr of treason. The indictment against Burr charged him with the "overt act of leading an insurrection on a particular island where his troops were located, even though it turned out that Burr was hundreds of miles away at the time. Chief Justice Marshall had to decide whether the government could establish the overt act required for treason based on Burr's conduct hundreds of miles away, or whether the government could only offer evidence of Burr's conduct on the island."		

Comments	Justice Scalia assumed the identity of John Marshall. "A few amusing moments from the reenactment: 1) Justice Scalia, instructing counsel for the United States (that is, his son) to proceed: 'You may precede, Mr. SCALL-yah. Am I pronouncing that correctly?' 2) Justice Scalia, responding to Eugene Scalia's tongue-in-cheek comment that the Court should rule in the government's favor because 'it is a constitution we are expounding': 'That's a good line. I need to write that down.'" (Kerr article)
-----------------	--

An Enemy of the People

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Court of Appeals for the Federal Circuit	Date of Mock Trial	October 18, 2006
Average RA Grade	C-	Judge Posner's Grade	C
Is this mock trial based on fabricated events?	Yes, Thomas and Peter Stockmann never worked for the Department of Housing and Urban Development in the Bush administration.	Is this mock trial based on historical counterfactuals?	No

Number of Judges Participating as Judges; Names of Participating Judges	6; Ruth Bader Ginsburg (presiding), Paul Michel, Douglas Ginsburg, Pauline Newman, Alan Lourie, and Frank Schwelb	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Gregory Craig and Barbara McDowell
Number of Jokes by Judges	7	Number of Jokes by Trial Attorneys	11
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Craig does not mention a clerkship on his firm webpage.	Is the mock trial held on a stage?	No
Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A

Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Does the mock trial use actors? (number of actors)	No	Length of Mock Trial	1 hour and 12 minutes
Source	Shakespeare Theatre Company, <i>An Enemy of the People: Stockholm v. Stockholm</i> , Oct. 18, 2006 (watched March 8, 2013).		
Nature of the Case	The principle issue in this case was whether the termination of Dr. Thomas Stockmann, Chief Medical Officer at the Department of Housing and Urban Development, violated his right to free speech when Secretary of Housing and Urban Development Peter Stockmann fired Thomas (an employee of HUD) because he spoke about the health hazards at a water park that HUD funded.		
First RA Grade & Comments	D+; This mock trial plops elements of the plot <i>An Enemy of the People</i> into modern American politics by assuming that the Stockmanns worked in the Bush administration. The attorneys and judges have a lot of fun joking about executive privilege in this case but have a relatively substantive discussion about the factors affecting the free speech rights of government employees. Entertaining the audience, Gregory Craig degraded the proceedings by offering a hypothetical involving Chicken Little in order to argue about a legal rule from <i>Garcetti v. Ceballos</i> and by ending his closing argument with an unpersuasive but humorous quotation of Mel Brooks.		

Second RA Grade & Comments	<p>C-; Ibsen's play is slaughtered in this mock trial, which sloppily transposes his story into a 21st century context. Peter Stockman is a senior member of President George W. Bush's cabinet, the secretary of the Department of Housing and Urban Development. Thomas Stockman is the department's chief medical officer. The public bath is now a HUD funded urban renewal project in Washington, D.C. (a Municipal Water Park to be specific). The trial focuses on a wrongful termination suit and considers free speech protections for government employees under the First Amendment. Ibsen's play functions as an excuse to laugh while considering these issues. The mock trial would have benefitted if it didn't mention <i>An Enemy of the People</i> at all. However, once the parties cease discussing Ibsen and begin arguing about the rights of government employees, things become more interesting. The mock trial provides an educational survey of relevant precedent, including <i>Garcetti v. Ceballos</i> (2006) and <i>Bush v. Lucas</i> (1983). Unfortunately, the lawyers seem incapable of going five minutes without making a mockery of the proceedings. One lawyer applies the <i>Garcetti</i> rule to "the most famous whistle blower in our history," Chicken Little.</p>
---------------------------------------	---

Hamlet

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Eisenhower Theatre, Kennedy Center, Washington D.C.	Date of Mock Trial	March 15, 2007
Average RA Grade	C	Judge Posner's Grade	A
Is this mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No

Number of Judges Participating as Judges; Name of Participating Judge	1; Anthony Kennedy	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Cristina Arguedes, Catherine Crier, Miles Ehrlich, and Abbe Lowell
Number of Jokes by Judges	3	Number of Jokes by Trial Attorneys	9
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Miles Ehrlich clerked for Justice Kennedy during the 1993–1994 term. Abbe Lowell and Cristina Arguedes do not mention clerkships on their firm webpages.	Is the mock trial held on a stage?	Yes
Is the mock trial set in modern times and if not, does it reference modern times?	No; Yes	If not set in modern times, does the mock trial reference modern law?	Yes, the standard used for evaluating Hamlet's claim of insanity was paraphrased from 18 U.S.C. §17 but this case was supposed to have occurred in Denmark while Hamlet was still living.

Does the mock trial have witnesses? (number of witnesses)	Yes (2)	Is there a jury and if so, is it the audience?	Yes; No
Does the mock trial use actors? (number of actors)	Yes (Hamlet)	Length of Mock Trial	1 hour and 53 minutes
Source	Shakespeare Theatre Company, <i>Hamlet Mock Trial</i> , Mar. 15, 2007 (watched Mar. 13, 2013).		
Nature of the Case	The principle issue in this case was whether Hamlet was insane at the time of Polonius's murder and could therefore be held criminally responsible for killing Polonius.		
First RA Grade & Comments	C-; This principal issue in this case was whether Hamlet had "schitzoaffective disorder" and experienced delusions, hallucinations, and thought-disorientation in addition to depression. While the arguments were serious, it seems silly to use modern clinical standards to diagnose a literary character from over four centuries ago. Several other weak points for this trial were 1) Justice Kennedy asked an expert witness two questions during his testimony; 2) there was an American flag and an incredibly large banner of William Shakespeare on stage; 3) Dr. Alan Stone offered a humorous plug for his new book during his testimony; 4) an actor played Hamlet and exhibited defiant and cocky body language while he sat between the opposing trial attorneys; and 5) since the jury was deadlocked at six-six, Justice Kennedy "remand[ed] the case to the pages of literary heritage," so Hamlet could be tried yet again.		

Second RA Grade & Comments	<p>C+; This trial started terribly. Renaissance music plays as the parties enter the stage. Then Hamlet arrives in costume, sulking of course. Justice Kennedy immediately makes the familiar jokes about how we're all citizens of Renaissance Europe, telling the jury about the foreign land of California, etc. As the trial moves forward, however, things improve. Justice Kennedy provides clear instructions to the jury and lays out the burden that must be met, which provides a great roadmap for the audience. There is no jumping back and forth between Renaissance and modern law. The lawyers and expert witnesses keep their arguments close to the text, analyzing the language, not just the basic plot. The expert witnesses provide interesting lessons on the relationship between psychology and law. Of course, there are still silly pieces. One of the expert witnesses uses the trial as an opportunity to advertise his new book. Kennedy and the lawyers make a few jokes, but most of Kennedy's jokes are rather clever. I especially enjoyed when he remanded the case "to the pages of our literary heritage."</p>
---------------------------------------	---

Edward II

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; U.S. Court of Appeals for the Federal Circuit	Date of Mock Trial	November 14, 2007
Average RA Grade	D	Judge Posner's Grade	D
Is the mock trial based on fabricated events?	Yes, the U.S. has never had a Plantagenet presidential administration and has never been invaded by Ireland, France, or Denmark.	Is the mock trial based on historical counterfactuals?	No

Number of Judges Participating as Judges; Names of Participating Judges	6; Ruth Bader Ginsburg (presiding), Paul Michel, Stephen Glickman, Pauline Newman, Alan Lourie, and Frank Schwelb	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Michael Dreeben, Vanessa Countryman, Erin Murphy, and Ted Olson
Number of Jokes by Judges	7	Number of Jokes by Trial Attorneys	10
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No

Does the mock trial use actors? (number of actors)	No	Length of Mock Trial	1 hour and 1 minute, not including a 13 minute question and answer session between the audience and trial attorneys
Source	Shakespeare Theatre Company, <i>Edward II</i> , Nov. 14, 2007 (watched Mar. 13, 2013).		
Nature of the Case	The principle issue in this case was an impeachment trial of President Edward Plantagenet, Jr. in the U.S. Senate for an adulterous homosexual affair with his Attorney General that allegedly resulted in the President's failure to faithfully execute the laws of the U.S. The President was also prosecuted for firing three U.S. Attorneys without just cause.		
First RA Grade & Comments	D-; This mock trial is absurd because it conflates aspects of <i>Edward II</i> with events from the Bush administration relating to the political firing of U.S. Attorneys. More ridiculous still, the record assumes the counterfactual that the United States was invaded by the French, Irish, and Danish and assumes that the First Lady engaged in an affair with President Platagenet's Vice President while he made several assassination attempts on the administration's Attorney General. What a soap opera! The time period for this mock trial's setting was also unclear.		
Second RA Grade & Comments	D; Once again, we have a mock trial that decimates a canonical work by transposing it into the 21st century. Edward II is President, and his lover is the Attorney General. The proceedings don't elucidate the play. Rather the play functions to add humor to the proceedings. As Justice Ginsburg acknowledges in the first five minutes, this mock trial doesn't represent a proper modern impeachment trial. Justice Ginsburg will ask questions and vote, and only a handful of senators are present. As a result, the viewers don't even learn about the American impeachment process. The arguments are silly. The judges and parties can't stop laughing about whether adultery with one's Attorney General is part of executive privilege. When they aren't laughing about that, they're busy making bad jokes about historical sex scandals.		

Hart v. University of Kentucky

Sponsoring Organization; Location of Mock Trial	National Constitution Center's Peter Jennings Project for Journalism and the Constitution; James A. Byrne U.S. Courthouse, Ceremonial Courtroom, Philadelphia, PA	Date of Mock Trial	March 8, 2008
Average RA Grade	A-	Does the mock trial use actors? (number of actors)	No
Is this mock trial based on a fabricated event?	Yes, the University of Kentucky never proposed the affirmative action policy in this mock trial.	Is this mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	6; Judith Kaye (presiding), Ronald Castille, Ida Chen, Kent Jordan, Jane Richards Roth, and Delores Sloviter; Professor Akhil Amar of Yale Law School, Dean Michael Fitts of the University of Pennsylvania Law School, and Director-Counsel and President Ted Shaw of the NAACP Legal Defense Fund also participated as judges.	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Charles Ogeltree and Kathleen Sullivan
Number of Jokes by Judges	4	Number of Jokes by Trial Attorneys	1

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	C-SPAN Video Library, <i>Racial Preferences in Higher Education</i> , Mar. 7, 2008, http://www.c-spanvideo.org/program/Prefer (watched Feb. 17, 2013).	Length of Mock Trial	58 minutes
Nature of the Case	The principle issue in this case is whether it is constitutional for the University of Kentucky to put college applicants determined to have more than 25 percent nonwhite ancestry into a preferred applicant pool in order to pursue the admission of a diverse student body.		

First RA Grade & Comments	<p>A-; The mock trial rules and inquisitive questions of the nine judges greatly contributed to thoughtful litigation about the constitutionality of affirmative action plans in higher education student admissions. Since this case was completely fictional and set in the United States in 2013, it avoided the pitfalls of references to irrelevant bodies of law or historical factual inaccuracies. The judges asked questions related to instructive hypothetical situations to direct the discussion to the meaning of diversity as a compelling state interest in college admissions and to the criteria for constitutional affirmative action plans.</p> <p>None of the judges' jokes were inappropriate, nor did the judges say anything that was unprofessional. Justice Ginsburg was scheduled to participate as a judge in this mock trial but she was not able to attend, so Professor Amar took her place.</p>
Second RA Grade & Comments	<p>A-; Serious arguments and hearty debate. Charles Ogeltree lost a steep uphill battle. From my point of view, the mock trial suffered because of the case's construction. Professor Amar and his students at Yale Law wrote a case with facts that deeply favor the petitioner. This made for a relatively one-sided trial.</p>

Trial of Socrates

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Sidney Harman Hall, Washington, D.C.	Date of Mock Trial	September 16, 2008
Average RA Grade	B	Does the mock trial use actors? (number of actors)	Yes (Socrates)

Is the mock trial based on a fabricated event?	No	Is the mock trial based on a historical counterfactual?	Yes, Socrates never engaged an appeal of his conviction.
Number of Judges Participating as Judges; Names of Participating Judges	5; Samuel Alito (presiding), Rosemary Collyer, Brett Kavanaugh, Richard Leon, and Paul Michel	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Abbe Lowell, Abe Krash, Pantelis Michalopoulos, and Betty Jo Christian
Number of Jokes by Judges	6	Number of Jokes by Trial Attorneys	14
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Lowell, Krash, Michalopoulos, and Christian do not mention clerkships on their firm webpages.	Is the mock trial held on a stage?	Yes
Is the mock trial set in modern times and if not, does it reference modern times?	No; Yes	If not set in modern times, does the mock trial reference modern law?	Yes, de novo standard of review and the clear and present danger test regarding the limits of free speech are referenced.

Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	Shakespeare Theatre Company, <i>Trial of Socrates: City of Athens v. Socrates</i> , Sept. 16, 2008 (watched Mar. 13, 2013).	Length of Mock Trial	1 hour and 41 minutes, not including a 17-minute question and answer session with between the attorneys and audience
Nature of the Case	The principle issue in this case is Socrates' appeal of his conviction for impiety and corrupting the youth. The record was chosen to be Plato's <i>Apology</i> and <i>Crito</i> and Xenophon's <i>Memorabilia of Socrates</i> and <i>Apology of Socrates</i> .		
First RA Grade & Comments	B+; The litigation in this mock trial was historically-informed, educational, and serious. The attorneys thoughtfully argued about the evidence that Socrates corrupted the youth of Athens, posed a threat to the stability of Athens' democracy, and disrespected the gods of Athens. However, the choice to have an actor playing Socrates was a poor choice. He did not look 70 years of age and did not look sufficiently unkempt. Moreover, he looked silly sitting on a platform chair elevated above his defense counsel and taking the microphone around the audience during the Q & A. This trial also suffered because it referenced modern law and history, was an appellate proceeding instead of a reenactment of the actual trial, and the prosecution showed a slideshow of Alcibiades with prostitutes.		

<p>Second RA Grade & Comments</p>	<p>B-; This trial includes a variety of silly components. Although everyone else is in modern business attire, Socrates seems to have insisted on wearing his toga. He spends the trial stooped over a small chair. The judges and lawyers reference modern history and judicial precedent. Justice Alito draws a comparison between Athens' treatment of Socrates and Lincoln's suppression of speech during the Civil War. Despite this historical comparison, everyone insists that the trial is taking place in ancient Greece. This assertion seems to exist for the sole purpose of humor (lawyers joke about how new the Parthenon is and how everyone in the audience <i>obviously</i> communicates with the Gods through birds). The trial reached a low point when one of the attorneys, Pantelis Michalopoulos, showed a powerpoint presentation with slides including "Alcibiades with Prostitutes." Nevertheless, I found both sides' arguments to be thoughtful and clever. Unlike in other mock trials, when the parties quote Holmes or Brandeis, they aren't doing it for laughs but rather to seriously consider Socrates' right to free speech. The application of the clear and present danger doctrine made the trial interesting rather than ridiculous. Furthermore, I enjoyed the trial's discussion of Athens' political climate during Socrates' lifetime. I also appreciated the inclusion of works in the record beyond Plato's Apology (namely Xenophon's <i>Memorabilia</i> and other dialogues in the <i>Republic</i>).</p>
--	--

Mueller v. Oregon Reenactment

<p>Sponsoring Organization; Location of Mock Trial</p>	<p>Supreme Court Historical Society; Courtroom of the U.S. Supreme Court</p>	<p>Date of Mock Trial</p>	<p>December 15, 2008</p>
<p>Is the mock trial based on fabricated events?</p>	<p>No</p>	<p>Is the mock trial based on historical counterfactuals?</p>	<p>No</p>

Number of Judges Participating as Judges; Name of Participating Judge	1; Ruth Bader Ginsburg	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Vicki Jackson and Barbara Underwood
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Sources	"Muller v. Oregon (1908) [Reenactment]," <i>The Supreme Court Historical Society Quarterly</i> , vol. 31, no. 2, p. 6 (2009). Tony Mauro, "Re-Envisioning Muller v. Oregon," <i>Blog of the Legal Times</i> , Dec. 16, 2008, http://legaltimes.typepad.com/blt/2008/12/reenvisioning-muller-v-oregon.html , (visited Mar. 5, 2013).	Does the mock trial use actors? (number of actors)	No

Nature of the Case	The principle issue in this case was whether an Oregon law that limited women to 10 hours of work per day violated the Fourteenth Amendment by limiting women's freedom to contract.
---------------------------	--

Twelfth Night

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Sidney Harman Hall, Washington D.C.	Date of Mock Trial	April 6, 2009
Is the mock trial based on fabricated events?	Yes, Malvolio never received a punitive damage award of \$10 million for false imprisonment and emotional distress.	Is there a jury and if so, is it the audience?	No
Number of Judges Participating as Judges; Names of Participating Judges	6; Ruth Bader Ginsburg (presiding), Samuel Alito, Stephen Breyer, Paul Michel, Rosemary Collyer, and Brett Kavanaugh	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Paul Clement and Roy Englert
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Englert writes on his bio page that he clerked on the Court of Appeals for the District of Columbia in 1981-1982 but does not name the judge for whom he clerked.	Is the mock trial held on a stage?	Yes

Source	Tony Mauro, "In Twelfth Night Mock Trial, Malvolio Loses," <i>Blog of the Legal Times</i> , Apr. 7, 2009, http://legaltimes.typepad.com/blt/2009/04/in-twelfth-night-mock-trial-malvolio-loses.html (visited Feb. 15, 2013).	Does this mock trial have witnesses?	No
Nature of the Case	In this mock trial, the "Supreme Court of Illyria" decided an appeal of Malvolio's punitive damage award of \$10 million for false imprisonment and emotional distress.		

Henry V

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Sidney Harman Hall, Washington D.C.	Date of Mock Trial	March 16, 2010
Average RA Grade	F	Judge Posner's Grade	F
Is the mock trial based on fabricated events?	Yes, Henry was never brought before the Global War Crimes Tribunal and the Supreme Court of the Amalgamated Kingdom of England and France does not exist and therefore could not have heard an appeal from the fictitious French Civil Liberties Union.	Is the mock trial based on historical counterfactuals?	No

Number of Judges Participating as Judges; Names of Participating Judges	7; Ruth Bader Ginsburg (presiding), Samuel Alito, Brett Kavanaugh, Merrick Garland, Paul Michel, Janice Rogers Brown, and David Tatel	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Viet Dinh, Miguel Estrada, Gregory Garre, and Kannon Shanmugam
Number of Jokes by Judges	19	Number of Jokes by Trial Attorneys	43
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	Yes
Is the mock trial set in modern times and if not, does it reference modern times?	No; Yes	If not set in modern times, does the mock trial reference modern law?	Yes

Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	Yes; The judges issue a decision once the audience is seemingly deadlocked by a vote taken by weighing coins used to record the votes of audience members.
Does the mock trial use actors? (number of actors)	No	Length of Mock Trial	1 hour and 49 minutes
Source	C-SPAN Video Library, <i>Judgment at Agincourt</i> , Mar. 16, 2010, http://www.c-spanvideo.org/program/292554-1 (watched Feb. 16, 2013).		
Nature of the Case	The principle issue in this case was whether Henry violated the Alien Tort statute by executing French POWs at the Battle of Agincourt.		
First RA Grade & Comments	F; The judges very frequently laughed at the jokes of the trial attorneys and made jokes about the facts of their case that prompted applause and laughter from the audience. Some of the judges' jokes were inappropriate because they openly poked fun at divisive political statements or discredited judges' authority through unprofessional or especially superficial comments. The judges had the opportunity to offer so many jokes because the law in force was confusingly unclear in this case. The trial attorneys based their arguments on Salic Law, the Alien Tort Statute, and flattering deference to Justice Ginsburg's [she was the presiding judge] interpretation of the Equal Protections clause.		

Second RA Grade & Comments	F; This is amongst the silliest videos I've ever seen. From the bribe gift basket that the Archbishop sent the Justices to the translation of " <i>l'état c'est moi</i> " as "sue me, and I'll have you beheaded," the whole thing felt like an absurd piece of dinner theater. It was enjoyable to watch but thoroughly devoid of serious content.
---------------------------------------	---

Ware v. Hylton Reenactment

Sponsoring Organization; Location of Mock Trial	Supreme Court Historical Society; Courtroom of the U.S. Supreme Court	Date of Mock Trial	October 21, 2010
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Samuel Alito	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Richard Schneider and Philip Lacovara

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Is there a jury and if so, is it the audience?	No	Does the mock trial have witnesses? (number of witnesses)	No
Nature of the Case	The principle issue in this case was whether the Treaty of Paris invalidated a Virginia law providing for the confiscation of debt owed to British subjects and therefore enabled a British creditor to recover on a bond debt that Hylton incurred.		
Source	Josh Blackmun, "Supreme Court Historical Society Frank C. Jones Reenactment Series Lecture of Ware v. Hylton," <i>Josh Blackmun's Blog</i> , Oct. 10, 2010, http://joshblackmun.com/blog/2010/10/22/supreme-court-historical-society-frankc-jones-reenactment-series-lecture-of-ware-v-hylton/ (visited Mar. 13, 2013). "Ware v. Hylton (1796) [Reenactment]," <i>The Supreme Court Historical Society Quarterly</i> , vol. 32, no. 4, p. 6 (2010).		
RA Comments	Justice Alito said that he would preside over this case as if he was Justice William Paterson and "surrounded himself on the bench with a semicircle of Green Bag Bobbleheads, including Justices Wilson, and Cushing; the bobblehead of Chief Justice Jay to represent Justice Iredell; and the bobblehead of Chief Justice Rutledge to represent Justice Chase."		

Hamlet

Sponsoring Organization; Location of Mock Trial	Shakespeare Center of Los Angeles; University of Southern California Bovard Auditorium	Date of Mock Trial	January 31, 2011
Source	Darren Schenck, "Method or Madness," <i>USC Gould School of Law News Room</i> , Feb. 3, 2011, http://weblaw.usc.edu/news/article.cfm?newsID=3675 (visited Mar. 26, 2013).	Nature of the Case	The principle issue in this case was whether Hamlet was insane at the time of Polonius's murder and could therefore be held criminally responsible for killing Polonius.
Is the mock trial based on fabricated events?	No	Is the mock trial based historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Anthony Kennedy	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Blair Berk, Richard Hirsch, and Nathan Hochman, and Danette Myers.
Does the mock trial have witnesses?	Yes	Is there a jury and if so, is it the audience?	Yes; No

Retrial of Mary Surratt

Sponsoring Organization; Location of Mock Trial	Abraham Lincoln Presidential Library and Museum and Illinois Supreme Court Historic Preservation Commission; Harold Washington Public Library, Cindy Pritzker Auditorium, Chicago, IL	Date of Mock Trial	September 23, 2011
Average RA Grade	D+	Does the mock trial use actors? (number of	Yes (1)
Is the mock trial based on fabricated events?	No	Is the mock trial based on a historical counterfactual?	Yes, Mary Surratt was never tried in a civilian court.
Number of Judges Participating as Judges; Name of Participating Judge	1; James Zagel	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Karen Conti, Ed Genson, Michael Monaco, and Dan Webb
Number of Jokes by Judges	0	Number of Jokes by Trial Attorneys	3

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	Yes
Is the mock trial set in modern times and if not, does it reference modern times?	No; Yes (3)	If not set in modern times, does the mock trial reference modern law?	No
Does the mock trial have witnesses? (number of witnesses)	Yes (1)	Is there a jury and if so, is it the audience?	Yes; Yes
Source	C-SPAN Video Library, <i>Re-trial of Mary Surratt</i> , Sep. 23, 2011, http://www.c-spanvideo.org/program/301727-1 (watched Feb. 13, 2013).	Length of Mock Trial	1 hour and 33 minutes
Nature of the Case	Mary Surratt was found guilty of conspiracy to assassinate President Abraham Lincoln before a military tribunal. If Mary Surratt's case was argued in a civilian court, what would have been the jury's verdict?		

<p>First RA Grade & Comments</p>	<p>D+; The organizers dismissed the historical fact that Surratt was tried in a military tribunal and therefore not allowed to testify and instead plunked the case into civilian court with an audience jury.</p> <p>The organizers of this mock trial thereby problematically discounted the importance of facts to litigation. Emerging from the problem of this counterfactual, another concern is that this mock trial used an actress, Aasne Vigessa, to assume the character of Mary Surratt and to invent Surratt's testimony. It seems poor judgment to give an actress license to fabricate sworn testimony if the mock trial is supposed to be historically informed and the historical figure never testified. Judge Zagel presided over this case in a very professional manner. He limited his role to ruling on the attorneys' objections during the cross-examination of Mary Surratt and to providing the audience jury with informative instructions for determining a verdict.</p>
<p>Second RA Grade & Comments</p>	<p>D; The whole concept is strange. The trial tries to modernize this case and create this hypothetical situation centered upon Mary Surratt testifying, when in fact she was never even allowed to testify. It was very one-sided and favored her acquittal, in part because the trial only used this one hypothetical witness.</p> <p>Moreover, there were several jokes and the lawyers were often very melodramatic. It felt like the trial devoted too much time on the closing arguments, as they tried to make this theater entertainment. The only reason I didn't give it an F was because it was not ridiculously silly and does not go overboard on jokes and humor.</p>

Retrial of Mary Surratt

<p>Sponsoring Organization; Location of Mock Trial</p>	<p>Abraham Lincoln Presidential Library and Museum and Illinois Supreme Court Historic Preservation Commission; Abraham Lincoln Presidential Museum, Springfield, IL</p>	<p>Date of Mock Trial</p>	<p>October 3, 2011</p>
---	--	----------------------------------	------------------------

Is the mock trial based on fabricated events?	No	Is the mock trial based on a historical counterfactual?	Yes, Mary Surratt was never tried in a civilian court.
Number of Judges Participating as Judges; Name of Participating Judge	1; Thomas Appleton	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Steven Beckett, Bill Davis, Greg Harris, and Carol Posegate,
Does the mock trial have witnesses? (number of witnesses)	Yes (1)	Is there a jury and if so, is it the audience?	Yes; Yes
Sources	Rachel Lippmann, "Retrial Designed to Give Lincoln Assassination Co-Conspirator the Voice She Never Had," <i>St. Louis Public Radio</i> , Oct. 14, 2011, http://news.stlpublicradio.org/post/retrial-designed-give-lincoln-assassination-co-conspirator-voice-she-never-had , (visited Mar. 5, 2013).	Does the mock trial use actors? (number of actors)	Yes
Nature of the Case	Mary Surratt was found guilty of conspiracy to assassinate President Abraham Lincoln before a military tribunal. If Mary Surratt's case was argued in a civilian court, what would have been the jury's verdict?		

An Ideal Husband

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Sidney Harman Hall, Washington D.C.	Date of Mock Trial	April 11, 2011
Is the mock trial based on fabricated events?	Yes, Mrs. Cheveley was never charged with blackmailing a New Jersey Congressman.	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	7; Ruth Bader Ginsburg (presiding), Samuel Alito, Sonia Sotomayor, Merrick Garland, Douglas Ginsburg, Brett Kavanaugh, and David Tatel	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Irv Nathan and Beth Wilkinson
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Wilkinson does not mention a clerkship on her firm webpage.	Is the mock trial held on a stage?	No

Is the mock trial set in modern times and if not, does it reference modern times?	Yes	If not set in modern times, does the mock trial reference modern law?	N/A
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Sources	Tim Treanor, "Supremes Reject Widely Imaginative Arguments, Throw Booklet at Ideal Villain," <i>DC Theatre Scene</i> , April 12, 2011, http://dctheatrescene.com/2011/04/12/supremes-reject-wildely-imaginative-arguments-throw-booklet-at-ideal-villain/ , (visited Feb. 19, 2013). Jess Bravin, "An Ideal Trial?," <i>Washington Wire</i> , Apr. 12, 2011, http://blogs.wsj.com/washwire/2011/04/12/an-ideal-trial/ , (visited Feb. 19, 2013).		
Nature of the Case	The principle issue in this case was whether Mrs. Cheveley was guilty of extortion for blackmailing a fictional New Jersey Congressman with evidence that he had given commercially-valuable information about Boston's Big Dig to a lobbyist. Mrs. Cheveley did not want the Congressman to denounce a proposed earmark for a new tunnel between New York and New Jersey.		
RA Comments	The judges ruled that Mrs. Cheveley was guilty of extortion. The facts of this case are silly, such as a congressionally-established statute of limitations on "bad acts" of 14 minutes.		

Trial of Socrates

Sponsoring Organization; Location of Mock Trial	Onassis Foundation; United States District Court, Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse	Date of Mock Trial	May 12, 2011
Average RA Grade	B	Judge Posner's Grade	B-
Is the mock trial based on fabricated events?	No	Is the mock trial based on a historical counterfactual?	No
Number of Judges Participating as Judges; Names of Participating Judges	3; Dennis Jacobs, (presiding), Carol Bagley Amon, and Loretta Preska	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Matthew Bogdanos, Benjamin Brafman, Edward Walter Hayes, and Anthony Papadimitriou
Number of Jokes by Judges	7	Number of Jokes by Trial Attorneys	15
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No

Is the mock trial set in modern times and if not, does it reference modern times?	No; Yes	If not set in modern times, does the mock trial reference modern law?	No
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	Yes; There is a panel of jurors in addition to the audience.
Source	Onassis Foundation, <i>Trial of Socrates</i> May 12, 2011.	Length of Mock Trial	1 hour and 54 minutes
Nature of the Case	The principal issue in this case was charges against Socrates of impiety and corrupting the youth of Athens.	Does the mock trial use actors? (number of actors)	No

<p>First RA Grade & Comments</p>	<p>B+; After the first forty minutes of this mock trial, I was certain it would receive an A. Judge Dennis Jacobs had provided viewers with a clear overview of Athenian legal procedure and law. He asserted that this mock court would endeavor to maintain historical accuracy and therefore that modern notions, such as presumption of innocence or standard of proof beyond a reasonable doubt, would not apply. The first prosecutor never made a single joke. In fact, the first prosecutor had presented the best argument by a lawyer that I've seen in any of the mock trials. Dr. Anthony Papadimitriou delved into ancient Greek to elucidate the charges against Socrates and presented clever readings of Plato, Xenophon and Aristophanes to prove his case. This artful presentation (neither humorous nor overly dramatic) made Papadimitriou very enjoyable to watch. Unfortunately, things took a decided turn for the worse as soon as Papadimitriou stopped speaking. Both Colonel Matthew Bogdanos and Edward Walter Hayes strutted around, making absurdly dramatic statements peppered with quotes from their female ancestors ("As my grandmother used to say, everyone wants to go to heaven, but no one wants to die."). Hayes also included a number of jokes. Not to be outdone, Benjamin Brafman began his performance with a surprise. He was playing the role of Socrates. While in character, Brafman made a number of assertions Socrates would never have made. An example: "If your opinion is not my opinion, then I respect your opinion." This absurdity was the trial's low point. Overall, I feel Papadimitriou's fantastic performance and the trial's fidelity to Athenian law outweigh the theatrics of Bogdanos, Hayes and Brafman, so I'm giving this mock court a B+.</p>
<p>Second RA Grade & Comments</p>	<p>B-; This mock trial had moments of thoughtful argument but they were somewhat overshadowed by Benjamin Brafman magically becoming Socrates and silly jokes from Walter Hayes. Anthony Papadimitriou very professionally and articulately based his discussion of the charges against Socrates in the texts of Plato and Xenophon and thereby provided very helpful historical context for his arguments. Judge Jacobs provided an informative introduction to the trial and gave an insightful explanation for his position about the proper outcome of this case but one of the other judges offered too many jokes and references to modern times when explaining her position on the proper outcome.</p>

Texas v. White Reenactment

Sponsoring Organization; Location of Mock Trial	Supreme Court Historical Society; Courtroom of the U.S. Supreme Court	Date of Mock Trial	November 9, 2011
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Name of Participating Judge	1; Antonin Scalia	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; David Beck and Patricia Millett
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No

Source	"Texas v. White (1862) [Reenactment]," <i>The Supreme Court Historical Society Quarterly</i> , vol. 34, no. 1, p. 6 (2012).
Nature of the Case	The principle issue in this case was whether the Reconstruction government of Texas could recover the U.S. Treasury bonds sold by the Confederate Texas government during the Civil War. The Court ruled that the Constitution did not allow states to unilaterally secede and therefore the Confederate government's sale of these bonds was nullified and the Reconstruction government was entitled to recovery of or payment for the bonds.

Much Ado about Nothing

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Sidney Harman Hall, Washington D.C.	Date of Mock Trial	April 30, 2012
Is the mock trial based on fabricated events?	Yes, Lady Hero never received a judgment entitling her to permanent alimony and absolute divorce.	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	7; Ruth Bader Ginsburg (presiding), Samuel Alito, Elena Kagan, Merrick Garland, Douglas Ginsburg, Brett Kavanaugh, and David Tatel	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Sanford Ain and Reid Weingarten

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Ain and Weingarten do not mention clerkships on their firm webpages.	Is the mock trial held on a stage?	Yes
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	Andrew Ramonas, "Justices Ponder Shakespearean Divorce and a 'Weak-Minded Gigolo,'" <i>Blog of the Legal Times</i> , May 1, 2012, http://legaltimes.typepad.com/blog/2012/05/justices-ponder-shakespearean-divorce-and-a-weak-minded-gigolo.html , (visited February 19, 2013).	Nature of the Case	The principle issue in this case was for the "Supreme Court of Messina" to review an appeal by Count Claudio of a lower court's ruling that Lady Hero was entitled to permanent alimony and absolute divorce and an appeal by Lady Hero that she should recover her dowry after separating from Count Claudio.

RA Comments	<p>Ultimately, the Justices and judges ruled that Lady Hero was not entitled to alimony but awarded her divorce and her dowry. In discussing the character of Count Claudio, Lady Hero's attorney, Sanford Ain, labeled Count Claudio as a "weak-minded gigolo."</p> <p>Judge Garland then referenced the recent U.S. Secret Service scandal in Columbia and made an attempt at humor: "Chasing women. Smoking cigars. Drinking. Don't they have Secret Service there?" Count Claudio's attorney, Reid Weingarten, described Lady Hero as "young, beautiful, superficial, manipulative, [and] duplicitous." Justice Kagan then compared Hero to a tasteless realty television star and facetiously asked, "Kim Kardashian?"</p>
--------------------	---

Trial of Socrates

Sponsoring Organization; Location of Mock Trial	National Hellenic Museum; Palmer House Grand Ballroom, Chicago IL	Date of Mock Trial	January 31, 2013
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	3; Richard Posner (presiding), William Bauer, and Anna Demacopulos	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	4; Robert Clifford, Patrick Collins, Pat Fitzgerald, and Dan Webb

Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	Yes
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	Yes; Twelve-person jury in addition to the audience
Source	Stacy St. Clair, "Socrates Convicted Again in Modern Mock Trial," <i>Chicago Tribune</i> , Feb. 1, 2013, http://articles.chicagotribune.com/2013-02-01/news/ct-met-socrates-retrial-20130201_1_socrates-patrick-fitzgerald-national-hellenic-museum (visited February 1, 2013).	Does the mock trial use actors? (number of actors)	No
Nature of the Case	This case involved charges against Socrates of impiety and corrupting the youth of Athens.		

Coriolanus

Sponsoring Organization; Location of Mock Trial	Shakespeare Theatre Company; Sidney Harman Hall, Washington D.C.	Date of Mock Trial	May 13, 2013
Number of Judges Participating as Judges; Names of Participating Judges	6; Ruth Bader Ginsburg (presiding), Samuel Alito, Stephen Breyer, Merrick Garland, Douglas Ginsburg, and Brett Kavanaugh	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Lisa Blatt and Seth Wasman
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	Lisa Blatt clerked for Justice Ginsburg when she served on the Court of Appeals for the District of Columbia during the 1989-1990 term.	Is the mock trial held on a stage?	Yes

Is the mock trial based on fabricated events?	Yes, this case involves a fictitious newspaper that published stories reporting the verbal attacks of Brutus and Sicinius on Coriolanus's character.	Is the mock trial based on historical counterfactuals?	No
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No
Source	Shakespeare Theatre Company, "Estate of Caius Martius Coriolanus v. Latin Herald," <i>Mock Trial and Dinner</i> , http://www.shakespearetheatre.org/info/support/special-events/mock-trial (visited Mar. 1, 2013).	Nature of the Case	The principle issues in this case were whether a lower court magistrate erred as a matter of law in determining that a fictitious newspaper that published the verbal attacks of Brutus and Sicinius on Coriolanus's character "retained its press freedom protections despite its political and financial connections to the authors of the published attacks."

Flood v. Kuhn Reenactment

Sponsoring Organization; Location of Mock Trial	Supreme Court Historical Society; Courtroom of the U.S. Supreme Court	Date of Mock Trial	May 22, 2013
Is the mock trial based on fabricated events?	No	Is the mock trial based on historical counterfactuals?	No
Number of Judges Participating as Judges; Names of Participating Judges	1; Sonia Sotomayor	Number of Participating Trial Attorneys; Names of Participating Trial Attorneys	2; Roy Englert and Pamela Karlan
Nepotism? (Did any of the trial attorneys clerk for one of the participating judges?)	No	Is the mock trial held on a stage?	No
Does the mock trial have witnesses? (number of witnesses)	No	Is there a jury and if so, is it the audience?	No

Source	The Supreme Court Historical Society, "Upcoming Events," <i>Society Info</i> , http://www.supremecourthistory.org/society-info/recent-events/ (visited Mar. 14, 2013).	Nature of the Case	This case is a reenactment of the Supreme Court case, <i>Flood v. Kuhn</i> , 407 U.S. 258 (1972), that upheld Major League Baseball's antitrust exemption.
---------------	---	---------------------------	--