

Mock Trial Versus Debate

Many ACCS schools realize the importance of practice in Rhetoric. Two popular national programs offer competitions that help students with Rhetoric: The National High School Mock Trial Association (nationalmocktrial.org) offers “Mock Trial” and the National Forensics League (speechanddebate.org) offers “Debate.” In most areas, the NFL’s “Debate” is the larger program. In many public high schools, the debate club is centered on “policy debate,” the centerpiece of most NFL debates. “Debate” is often a sanctioned activity by state-run activities leagues.

The Basics of Each Program

Debate is normally formalized, with the NFL governing the judges and the competition rules. There are several forms of debate including the anchor—policy debate—which is based in a single, national question that is issued annually and upon which students do research. This is sometimes called a U.N. style debate. Debate tournaments often also include Lincoln-Douglas Debates, Congressional Debates, and various forms of speeches. During a season, there would be several debates scheduled by various independent or invitational organizations around the region. The Debate season typically culminates in a district and state debate tournament.

Mock Trial is structured, typically, under the State Bar Association as part of its community education branch. In some states, other service organizations organize the contest. Mock Trial is typically not a state-activities-association sanctioned activity. Therefore, schools that don’t participate in state activities may have more access to Mock Trial. Unlike Debate, Mock Trial has fewer competitions. While there are national and regional invitationals, these are less popular. Rather, states typically have a regional and state competition to determine which team will represent the state at nationals. Each year, the sponsoring organization will issue one “problem” or case. This case is normally between 50 and 100 pages and represents a specific court case to be brought to trial. This single case is used within the state for the entire year. A separate national case is used at nationals. Mock Trial is often conducted in actual court rooms and the judges are selected mostly from the legal community.

The ACCS recommends Mock Trial to schools for the following reasons:

- 1) The jurisprudence system in the US is most closely matched with classical Rhetoric. It is steeped in more history and tradition than Debate.
- 2) Mock Trial helps students understand the principles of forensic evidence—evidence that is taken from witnesses, documents, or exhibits from the past. The Rules of Evidence provide a concrete structure for what is reliable and what is not. For example, hearsay is not generally reliable.
- 3) Mock trial finds the right balance between evidence-based factual argument, and the art of persuasion.
- 4) Mock Trial is judged by real judges in real courtrooms. Debate is judged by people trained to judge debate. This results in more competent judging in Mock Trial as a general rule.
- 5) Debate has degraded into mostly a fact-based exercise. Please see the attached article: <https://www.americamagazine.org/arts-culture/2017/09/26/corrosion-high-school-debate-and-how-it-mirrors-american-politics>