

## Using the Law to Teach History: Benefits, Challenges, and Advice for Creating a Mock Trial Program

Elizabeth A. Georgian and Matthew P. Thornburg  
*University of South Carolina Aiken and Misericordia University*

ON A COLD, February day, the University of South Carolina Aiken's newly minted mock trial team walked across the UNC Chapel Hill campus at their first American Mock Trial Association (AMTA) regional competition.<sup>1</sup> One student had stayed in a hotel for the first time and several students had never seen snow, which had fallen the day before, accumulating in small drifts on campus. On that trip, Beth learned to drive a 15-passenger van and Matt chaperoned his first overnight student trip. We were all having new experiences.

Mock Trial is a competitive activity in which students prepare both sides of a fictional legal case and argue them in court. Six to ten students work together to prepare for a trial—depending on the year, the case may be criminal or civil. Students prepare the case for the prosecution (criminal) or plaintiff (civil) side and the defense. They build their cases based on a series of court orders; summaries of earlier, precedent-setting cases; witness affidavits and depositions; expert witness reports; and evidence, each side creating a theory of what happened—was it murder or an accident, arson or an electrical fire? The attorneys prepare opening statements and closing

arguments and the witnesses study their affidavits (earlier statements) so they can answer questions posed by their attorneys and opposing counsel. Just like real lawyers, teams prepare exhibits to help the (fictional) juries visualize their case, understand complicated expert witness testimony, and keep track of the often-contested timelines.

When they compete, one judge presides—playing the part of a judge in an actual courtroom—and two judges score the round. The fun and tricky part from a teaching perspective is helping the students memorize hundreds of rules of evidence—rules that govern what kinds of questions attorneys can ask witnesses, what kinds of information witnesses can share, how witnesses can answer, and what evidence can be introduced. They learn, for example, what hearsay is, why it's not generally permitted in court, and the more than a dozen exceptions to that rule. When we see lawyers on television yelling "I object," these rules explain why and what happens next. The students also learn courtroom manners—when to stand and sit, how to address a judge, and how to interact with witnesses.

The first three rounds of competition at Chapel Hill went well, and our team was feeling nervous yet confident when they walked into the room for the final round. Then, in strode the top team from a nationally ranked school.<sup>2</sup> They wore well-fitted suits, our students did not. They had, as our team observed, fancy rolling cases for their documents, we had a cardboard box. They had a nice easel to hold their exhibits, while our team borrowed theirs. They had AMTA-branded plaques identifying their side as the prosecution, we had folded paper labeling us as the defense—you get the picture. The match was, not surprisingly, a blow-out, which as coaches we had anticipated, given the imbalance in the teams. Disappointingly, the judges gave our students little feedback to help them improve, devoting 90% of their time to our opponents. Even more frustratingly, our team had trusted their team to keep time and they cheated.

On the five-hour drive home, we had a lot to discuss. On a positive note, several students won awards and the team received honorable mention—we later learned they performed the best of any new team in the country that year. They had the rare (and now almost impossible) luck of facing three teams at our level, from schools similar to ours.<sup>3</sup> We talked about their victories, about their loss, and about the cheating. But what several of our students were most

struck by was the confidence of that last team, how they walked in knowing they owned the room. In the weeks that followed, we started brainstorming ways to help our team bridge that confidence gap, and over the next few months, we redesigned our program.

While, as we will discuss, mock trial has many benefits, the design of the program does pose challenges. Mock trial cannot be divorced from the broader legal profession that it emulates, and from which it draws its judges, the majority of its coaches, and nearly all of its leadership—80% of the current members and 92% of the current and past presidents of the board of directors are attorneys. What happens in the legal profession inevitably shapes what happens in mock trial. While the profession has made strides in diversity in recent decades, as of 2022, it remains 62% male and 81% white; only 4% of the nation's lawyers identify as part of the LGBTQ community and only 1% report having a disability.<sup>4</sup> The typical mock trial competitor resembles the typical lawyer: white and male, and nearly all are traditional college students. In recent years, more and more women are participating, although teams disproportionately relegate them to the role of witness (a position viewed as less prestigious), a pattern we have observed ourselves. In the past thirty-two years, the top AMTA award—the Neal Smith Award—has gone to male competitors 81% of the time.<sup>5</sup>

Not surprisingly, AMTA's cases typically focus on problems very removed from our students' lives. In the past two decades, for example, cases included a negligence claim related to a death while climbing Mount Everest with the assistance of a guiding company (average cost of an expedition is \$60,000), a dispute over a \$20 million estate, and the death of a customer who hired a diving company to explore an ocean shipwreck. While these cases can be fun, they're not very relevant to our students' lives. Meanwhile, in 2020, the year that our campus held protests and struggled to deal with George Floyd's murder and the aftermath, AMTA pulled the case involving police misconduct and substituted a hastily written case centered on a winery, an expensive wedding, and a \$300,000 bribe.<sup>6</sup>

Running a mock trial team costs money. The cost to register a team is \$575, and additional costs mount to pay for tournaments, travel expenses, course releases for coaches, and scholarships for students. Not surprisingly, we see the activity dominated by well-resourced, elite institutions. For the past decade, either Harvard

or Yale have competed for the national title, except in 2014, when Princeton faced off against UCLA. Over the course of AMTA's history, a mere three teams have won more than 50% of the national championships.<sup>7</sup> The team we lost our final round to that first year at regionals can afford to offer full-ride scholarships to recruit some of the best high school mock trial participants.

At the University of South Carolina Aiken, 89% of our students come from South Carolina, more than half identify as students of color, two-thirds are women, and one-quarter are first generation students.<sup>8</sup> On our mock trial team, we have had the privilege of working with a racially diverse group of students; students from three continents; predominately women; students ranging in age from 17 to 37; parents of young children; service members; and several neurodiverse students. All of our students have worked while in college or raised young children; many hold more than one job at a time. Coaching such a group of diverse students is fun, rewarding, and makes the team stronger, but also poses particular challenges. Logistically, due to their need to work, often multiple jobs, our team simply cannot practice as much or travel to tournaments as often as many other teams. This issue is compounded by a lack of funding for course releases for coaches, along with travel expenses and tournament fees.

So why, given all of these challenges, would you want to implement a mock trial program at your institution? The answer is easy: for your students' sake. From the extensive body of research already published, we know that students benefit greatly from participating in mock trial, including the sharpening of the important "soft skills" of a liberal arts education, as well as more concrete advantages such as gaining a leg up in post-graduate admissions. And we see them in our personal experiences with our team.

### *Benefits of Mock Trial*

Mock trial improves students' critical thinking skills. As the team sifts through 150 pages or more of affidavits, exhibits, case law, stipulations (agreed-on facts), and judicial orders, they begin to sketch out a narrative of what happened, how, and why. Eventually, they decide what evidence is central to understanding the case and what is distracting trivia to be discarded. Then they assemble the

meaningful evidence into a coherent case theory while identifying laws, regulations, and case law that supports and challenges their argument for the defendant's guilt or innocence. Critical thinking has been defined many ways in higher education, but almost all definitions include the importance of evaluating evidence and knowledge claims to reach a logically sound conclusion.<sup>9</sup> When students decide which story to tell and what evidence to use to tell it, that's precisely what they are doing, building on their experiences constructing a historical narrative gained through more traditional classes.<sup>10</sup>

The American judicial system is an adversarial one, which means that its structure forces the prosecution and defense to work against each other with the judge serving as a referee, rather than seeking the truth as some judicial systems do. Working within this framework forces students to adapt their arguments to the opponent's witnesses, objections, and evidence, encouraging them to prioritize critical thinking over mere factual recall.<sup>11</sup> Not surprisingly, therefore, students competing in mock trial show greater critical thinking abilities compared to students in traditional class settings.<sup>12</sup>

Mock trial also improves students' communication skills. While each team crafts their own case theory, in the end, part of winning either the round (or a real trial) comes from clearly communicating complex evidence and legal matters to an uninformed fictional (or actual) jury. Students must balance presenting a logical argument, making an emotional appeal, and maintaining credibility as a speaker.<sup>13</sup> By answering opposing counsel's objections, crafting cross-examinations, and delivering opening statements and closing arguments, student attorneys practice a blend of formal rhetoric, planned strategy, and intellectual sparring. Student witnesses learn to create and embody a character, work in partnership with their attorney, and improvise and think on their feet as they face challenging cross examinations. On small teams like ours, students play both roles each year. Through these roles, they improve both verbal and nonverbal communication compared to those exposed to passive learning strategies.<sup>14</sup>

While participation in mock trial improves important skills valuable in all walks of life, it also helps participants in pragmatic ways. They are more likely to remain in school and progress towards their degree than their peers.<sup>15</sup> While the small size of our school and the relative youth of our program prevent a robust statistical analysis

of student outcomes, what data we have support this conclusion. Of the seventeen students who completed at least one season of mock trial at our school over the past three years, 59% graduated and an additional 24% continue to progress towards their degree at our university. These figures compare positively with USCA's six-year undergraduate graduation rate of 37%.<sup>16</sup> While students choosing mock trial are typically more highly motivated than their peers, conversations with team members and alumni reveal that making friends, working towards a common goal, honoring their commitments, and having fun competing led many members to remain enrolled and progressing to graduation. We have also seen these friendships translate into LSAT study groups, partnerships as they drafted law school applications materials, and help finding jobs after graduation.

Mock trial also helps students plan their futures. Law school requires a significant investment in both time and money. A degree from the University of South Carolina's Law School comes with a price tag of \$145,000, not including three years of lost income, and that is typically our students' most affordable option (a Harvard law degree, for example, costs \$345,000).<sup>17</sup> Despite these costs, many prospective lawyers have little idea what the life of a practicing attorney is like.<sup>18</sup> Mock trial gives students a chance to experiment with practicing law, while also introducing them to practicing attorneys, law students, and judges during competition.<sup>19</sup> In addition to enhancing future careers in law, we also regard it as a victory when a student learns they don't want to be a lawyer after participating in mock trial, saving them money and allowing them to spend those three years on a path they do find rewarding.

For those students who decide they do want to become lawyers, mock trial makes their applications to law school more competitive.<sup>20</sup> Our program began when an admissions dean at a local law school visited the campus and mentioned mock trial as a potential enhancement to student applications. After her presentation, several students approached, asking to start a team. While mock trial participants are generally (but not always) better students than other undergraduates, applicants with mock trial backgrounds at our institution show noticeably greater success in law school admissions than our earlier, similarly prepared pre-law students. Evidence also shows that students who participate in mock trial feel better prepared for many aspects of law school, a sentiment we

hear anecdotally from our alumni.<sup>21</sup> One of the biggest obstacles we face in preparing our students for graduate school is helping them see that they belong in that world. Students report that mock trial helps them see that they belong in law school and in the legal profession—and that they can succeed.

These benefits are more important for some students than others. Public regional comprehensive universities such as ours frequently serve students from diverse backgrounds, including racial and/or ethnic minorities, women, nontraditional students, and parents. Engaged learning practices particularly benefit these underrepresented populations, but they are much less likely to be exposed to them.<sup>22</sup> Law school and pre-law programs remain a space dominated by white male students and faculty.<sup>23</sup> Research shows that students from underrepresented populations often lag in critical thinking, communication skills, and confidence compared to students from more affluent backgrounds.<sup>24</sup> We know that active learning boosts these skills, with mock trial being particularly helpful.<sup>25</sup>

### *Mock Trial in History Programs*

These are all excellent reasons for your institution to establish a program, but why should you be involved? Mock trial provides a natural complement to a history major and works particularly well when housed in a history department. In 2023, almost 3,000 history majors applied to law school nationwide in the United States; history is among the top five majors generating law school applicants and these applicants are successful. Law schools admitted nearly 80% of these applicants, generally outperforming other traditional pre-law majors.<sup>26</sup> Despite the stereotypically low incomes associated with a history major, in reality, they go on to earn the highest salaries as lawyers among liberal arts majors, receiving a higher return on that investment than STEM majors.<sup>27</sup> This is true even as undergraduate history programs face undue scrutiny from administrators, politicians, parents, and students regarding their perceived value. Historians now regularly discuss the decline in the number of majors and what might halt or reverse this trend.<sup>28</sup> One suggestion is to increase the number of “co-curricular activities” to bring the college experience outside the classroom in ways that draw on the skills history students develop.<sup>29</sup> Mock trial fits squarely

in this paradigm. The interest our program has drawn from local law firms (relatively easy relationships to establish, given lawyers' affinity for the program) has also resulted in internships, further increasing both the perceived and actual value of a history major.<sup>30</sup> While no one major is specifically recommended for preparation for law school, history courses form the bedrock of the American Bar Association's recommended curriculum, making your department an ideal home for both a Mock Trial Program and pre-law advising, which can then draw in students.<sup>31</sup>

As history faculty, you are perfectly situated to create and coach a mock trial team, drawing on your knowledge of American history, society, and government.<sup>32</sup> Mock trial coaching requires some of the same skills as coaching a sports team—the ability to handle team dynamics, understand and ensure compliance with rules, run practices and develop training exercises, and develop strategies. But it can be so much more—an opportunity to teach students the fundamentals of the American legal system, trial procedure, and the ethics and professionalism that make a good attorney. While designed as a competitive performance activity, viewed through a teaching lens, mock trial can complement other engaged learning practices such as service learning and internships. But approaching the activity this way requires an orientation very different from a primarily competitive mindset. Start with a learning objectives-based approach—figure out what you want your students to get out of the activity and let that drive the way you structure your program and the way you coach your team. As our program has evolved, now firmly embedded in our pre-law curriculum as its own course, we have settled on three main objectives: 1) encouraging students' ethical development—in the legal arena and more broadly; 2) helping students gain a solid understanding of the Federal Rules of Evidence—which are crucial to understanding our legal system and will give them an advantage in law school; and 3) working on the soft skills that are crucial for success in the law and in life.

### *Advice for Implementing Mock Trial*

Once we centered teaching, and chose our three objectives, other decisions became easier. We've made some choices that may undermine our team's competitiveness, but these are choices that

our students ultimately find helpful and reflect on positively. You will need to understand some of the game mechanics and AMTA policies and make deliberate decisions about which to embrace and which to reject. While we encourage students from any major to join the team, we strive to provide a pre-law education to all of them. A classic strategy is to recruit students with acting ability to play witnesses. In our approach, we ask that each team member plays the roles of both witness and attorney. Similarly, we assign team members' roles each year based on what we think they can learn from that role in a particular year. Sometimes, that means putting students into roles that they're not very good at, but that provide them the opportunity to develop a needed skill. Many coaches write their team's materials, including opening and closing arguments, direct and cross-examinations of witnesses, etc. Admittedly, it's tempting—we could do it faster and better than they can—but this reduces the students to actors and denies them the opportunity to develop their own critical thinking and writing skills. We also have a hard rule against the kind of cheating and poor sportsmanship that is all too common, which results from removal from the team, regardless of the skill of the competitor or their importance to the team (thankfully, we have not had to implement this rule).

A strong focus on teaching doesn't mean that mock trial can't be fun or that you shouldn't encourage your students to strive for their best performances or discourage their natural desire to win awards and tournaments. Game-based learning improves intrinsic learning motivation, emotional involvement, and student enjoyment—all results we have seen in our students with mock trial and other game-based pedagogies in our pre-law courses.<sup>33</sup> And make sure to leave room for celebrations—two small rewards our students love are personalized mugs and congratulatory visits and speeches from the dean.

Teaching in any environment has its challenges, and mock trial is no exception. One problem you may face is how to talk to students about potential discrimination from judges or problematic comments. While the frequent anonymous social media complaints about biased judging could be attributed to sore losers, research shows that judges treat male and female competitors differently.<sup>34</sup> Likewise, it is difficult to imagine that the same judges drawn from a profession that has been demonstrated to hold back the advancement

of Black attorneys will always judge neutrally.<sup>35</sup> We have seen one of our Black female competitors face criticism for being “too aggressive,” although the judge making the comment drew a reprimand from a younger, Black judge. Judges misgendering competitors happens too frequently, and we’ve even seen a judge correct a competitor for using our team member’s accurate, gender-neutral pronouns. In the article “Bias on the Bench: Sex, Judges, and Mock Trial Simulations,” we are advised to be frank with students about these challenges, and to consider encouraging students to tailor their presentations based on the gender of the judges, as part of a broader conversation about how to operate in an inherently biased profession.<sup>36</sup> These conversations are important and they may complement lessons your students are learning in the history classes you teach. In our department, they naturally tie into courses we teach on class, race and the law, women’s history, and more. There’s a delicate balance to strike. Talking openly and honestly about systemic bias, and how it plays out in the law, is more important than ever at a moment when these conversations are in peril in many states, including our own. Pushed too far, however, these conversations can undermine students’ confidence in their own abilities, teach them to ignore legitimate critical feedback, or both.

One could argue that AMTA is not intended for non-traditional students, nor is it designed for students with disabilities. The federal laws that govern disability accommodations in institutions of higher education do not apply universally. Accommodations at non-official AMTA events (the majority of pre-regionals tournaments) are allowed at the discretion of the host—so look for friendly tournaments and reach out to organizers early. For official AMTA competitions, accommodations must be requested by January 15 of each year. AMTA reserves the right to reject these requests for a variety of reasons, so apply as early as possible to allow yourself time for appeals. If you haven’t already, reach out to your institution’s disability coordinators. AMTA does not convert its materials into accessible formats, so you may need their help, and they may be willing to talk to AMTA or tournament hosts on behalf of you and your students. You are preparing your students for a career in a profession that is not always welcoming, so consider this an opportunity to include them in these conversations and support them in advocating for themselves.

Finally, practical problems call for practical solutions. If you lack legal training, find yourself a local lawyer or two (ideally, one civil and one criminal) who will meet with your students, answer your questions about the law, and serve as judges for scrimmages and tournaments—if you don't know where to start, call your local bar association and ask for help. While we couldn't solve all of our students' confidence gaps, \$100 bought us the fancy plaques, a few nice document cases, and a first aid kit for out-of-town trips. As you plan travel, if your institution does not cover all the costs, be mindful of your students' budgets when picking hotels and restaurants. If you do have funding for long-distance travel, keep in mind that students may not have the right ID to board an airplane or know how to pack a suitcase that will make it through TSA screening—kindly be their guide. See if your career center has a clothing closet for interviews that your students might use for competitions—court dress (typically suits) are the norm. If you need help managing team dynamics, reach out to an experienced sports coach or musical ensemble leader for advice.

Establishing a mock trial team can seem daunting, particularly if you lack legal training. Thankfully, there are some resources that can help. *Winning Objections: A Mock Trial Guidebook* will be indispensable as you learn the ins and outs of trial procedure—the complex Federal Rules of Evidence that govern what happens during a trial.<sup>37</sup> Entertainingly written, it teaches through examples drawn from fairy tales and popular fiction and movies, and students find it accessible and helpful—and you will as well. Next, read the American Mock Trial Association's "Midlands Rules of Evidence," a simplified version of the Federal Rules of Evidence, modified to make competition work.<sup>38</sup> You'll need to learn the exceptions to the rules to effectively teach your students. To understand the world of AMTA—which can be a bit bewildering—read AMTA's *New Team Handbook*, which will help you begin to establish a program.<sup>39</sup> From the National Institute for Trial Advocacy, *Mock Trials: Preparing, Presenting, and Winning Your Case* is a bit dry (and can be a challenge to get students to read), but will be crucial to helping you understand the structures of trials (useful if you're not a trial attorney) and the ways in which mock trial programs modify them to make competition work.<sup>40</sup> Finally, the *AMTA Rulebook* contains all the information you'll need to understand and comply

with the many rules that govern competition: who can be on your team, what exhibits they can use during trial, how timing and scoring works, what constitutes cheating, and more.<sup>41</sup>

There's one more reason to establish a Mock Trial Team, even (or especially) if you're at an institution like ours. Because it's indescribably rewarding to see how it will transform your students, build their confidence, and help them find their paths, achieve their goals, and realize their dreams—all through the practical application of their historical skills.

## Notes

1. The authors would like to thank Dr. Mark Hollingsworth, Dr. Carol Botsch, and Dr. Bob Botsch for their support of the program, and the editorial committee for their feedback on an earlier draft of this article.

2. Minor details have been changed to protect the opposing team's privacy.

3. None of the three schools similar to USCA field AMTA teams any longer. Nationally, undergraduate enrollment declines and resulting budget reductions have had a particularly strong impact on the mock trial programs of less-resourced colleges and universities. At our program's inception, we worked collaboratively with several similar programs in our state at public regional universities, enjoying friendly scrimmages and sharing advice; today, none of those institutions have a mock trial program.

4. American Bar Association, "ABA Profile of the Legal Profession (2022)," <<https://www.americanbar.org/content/dam/aba/administrative/news/2022/07/profile-report-2022.pdf>>.

5. American Mock Trial Association, "National Championship Final Round Results," <<https://www.collegemocktrial.org/about-amta/history-/national-championship-trial-results/>>. AMTA does not make demographic data available, but gender breakdown was estimated using first names as proxies.

6. These cases are not typical of all mock trial programs. Having participated in the case development committee for the Ohio High School Mock Trial program in 2022, Georgian observed an intense focus on selecting case themes that were directly relevant in the lives of American teenagers, with the final choice focusing on student privacy rights in a public high school.

7. American Mock Trial Association, "National Championship Trial Results."

8. All demographic data describes the USCA undergraduate population. Nicole Spensley (Director of the Office of Institutional Effectiveness at USCA), e-mail message to author, March 20, 2023.

9. Daniel J. Herron, Ruth Wagoner, and Jo Ann Scott, "Enhancing Critical Thinking Skills Through Mock Trial," *Atlantic Law Journal* 14, no. 1 (August 2012): 149.
10. Kyla K. Stepp and Jeremiah J. Castle, "Raising the Bar: Maximizing Engaged Student Learning Using the American Mock Trial Association Case *State of Midlands v. Dylan Hendricks*," *Journal of Political Science Education* 15, no. 1 (2019): 138.
11. Herron, Wagoner, and Scott, "Enhancing Critical Thinking Skills Through Mock Trial," 159-162.
12. Lynette Noblitt, Diane E. Vance, and Michelle L. DePoy Smith, "A Comparison of Case Study and Traditional Teaching Methods for Improvement of Oral Communication and Critical Thinking Skills," *Journal of College Science Teaching* 39, no. 5 (May 2010): 29.
13. Felicia R. Walker, "The Rhetoric of Mock Trial Debate: Using Logos, Pathos, and Ethos in Undergraduate Competition," *College Student Journal* 39, no. 2 (June 2005): 284.
14. Noblitt, Vance, and Smith, "A Comparison of Case Study and Traditional Teaching Methods," 29.
15. Christine Mooney, and Leslie Francis, "Extracurricular Programming: A Case Study of Retention Strategies & Skillset Development for Community College Students," *Northeast Business & Economics Association Proceedings 2018* (2018): 215.
16. Office of Institutional Effectiveness, Research & Compliance, University of South Carolina Aiken, <[http://ie.usca.edu/facts/ret\\_info/index.htm](http://ie.usca.edu/facts/ret_info/index.htm)>.
17. At the University of South Carolina Joseph F. Rice Law School, the combined cost of attendance for three years tuition, fees, and estimated costs for resident students is \$144,954 (\$198,288 for non-resident students). Joseph F. Rice School of Law, "Tuition and Fees: 2024-2025 Academic Year," University of South Carolina, <[https://sc.edu/study/colleges\\_schools/law/admissions/financial\\_aid/tuition\\_and\\_fees/index.php](https://sc.edu/study/colleges_schools/law/admissions/financial_aid/tuition_and_fees/index.php)>. At the Harvard Law School, the combined cost of attendance for three years tuition, fees, and estimated costs is \$344,800. Harvard Law School, "Cost of Attendance," Harvard University, <<https://hls.harvard.edu/sfs/financial-aid/financial-aid-policy/cost-of-attendance/>>.
18. David Segal, "What They Don't Teach Law Students: Lawyering," *The New York Times*, November 19, 2011, <<https://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html>>.
19. Robert A. Kearney, "Unscripted Mock Trial and Full-Scale Litigation in a College Setting," *Southern Illinois Law Journal* 45, no. 2 (Winter 2021): 238-245.
20. Mooney and Francis, "Extracurricular Programming," 214.
21. Teresa Nesbitt Cosby, "To the Head of the Class? Quantifying the Relationship Between Participation in Undergraduate Mock Trial Programs and Student Performance in Law School," *St. John's Law Review* 92, no. 4 (Winter 2018): 804-806.
22. Lynn E. Swaner and Jayne E. Brownell, "Outcomes of High Impact Practices for Underserved Students: A Review of the Literature," report prepared

for the Association of American Colleges and Universities Project USA, revised March 2010; “High Impact Practices and Low-Income Student Success: What Works?” A Report from the Yes We Must Coalition (Spring 2018).

23. Wendy Leo Moore, *Reproducing Racism: White Space, Elite Law Schools, and Racial Inequality* (Lanham, MD: Rowman & Littlefield, 2008), 37-64.

24. Cherry A. McGee Banks and James A. Banks, “Equity Pedagogy: An Essential Component of Multicultural Education,” *Theory Into Practice* 34, no. 3 (Summer 1995): 153; Jacqueline Fleming, Nancy Garcia, and Carole Morning, “The Critical Thinking Skills of Minority Engineering Students: An Exploratory Study,” *The Journal of Negro Education* 64, no. 4 (Autumn 1995): 443-447.

25. Elizabeth T. Smith and Mark A. Boyer, “Designing In-Class Simulations,” *PS: Political Science and Politics* 29, no. 4 (December 1996): 690-691; Helen G. Boutrous, “Using Simulations Across Courses to Serve Under-Represented Populations,” paper presented at the 2007 American Political Science Association Teaching and Learning Conference (2007), 3-4.

26. Law School Admissions Council, “Applicants By Major.”

27. Frank McIntyre and Michael Simkovic, “Value of a Law Degree by College Major,” *Journal of Legal Education* 68, no. 3 (Spring 2019): 585-613.

28. Ryan M. Irwin, Michitake Aso, Alexander Dawson, Maeve Kane, Christopher Pastore, and Kendra Smith-Howard, “Flight of the Dodos: History Curriculum at a Large Public University,” *Journal of American History* 110, no. 4 (March 2024): 746-758.

29. For an overview of the literature on co-curricular activities in history programs, see Daniel S. Murphree, “Evaluating the ‘Professionalizing History Majors’ Course: Historical Knowledge and Co-Curricular Activities,” *The History Teacher* 54, no. 1 (November 2020): 9-37.

30. Elizabeth A. Georgian, “How the Law Can Help You: Creating a Pre-Law Program in Your History Department,” *Clio and the Contemporary*, June 13, 2022, <<https://clioandthecontemporary.com/2022/06/13/creating-a-pre-law-program/>>.

31. “Pre-Law: Preparing for Law School,” American Bar Association, <[https://www.americanbar.org/groups/legal\\_education/resources/pre\\_law/](https://www.americanbar.org/groups/legal_education/resources/pre_law/)>.

32. Much of the advice in this piece could apply to middle school and high school programs. You might not, as our experience suggests, encounter exactly the same problems, but you will likely start offering similar benefits and prepare students to join college teams, perhaps even earning college scholarships. A local high school, not otherwise known for its academic excellence, regularly places students in prestigious mock trial programs, offering final assistance to students who might otherwise go without.

33. James Paul Gee, *What Video Games Have to Teach Us about Learning and Literacy* (New York: Palgrave Macmillan, 2003). These results have been demonstrated in settings that teach “without the use of technology and computer-based equipment.” See Maxwell Hartt, Hadi Hosseini, and Mehrnaz Mostafapour, “Game On: Exploring the Effectiveness of Game-Based Learning,” *Planning Practice & Research* 35, no. 5 (2020): 2.

34. Lynette S. Noblitt, Sara L. Zeigler, and Miranda N. Westbrook, “Bias on the Bench: Sex, Judges, and Mock Trial Simulations,” *Feminist Teacher* 21, no. 2 (2011): 124-138.

35. Vitor M. Dias, “Black Lawyers Matter: Enduring Racism in American Law Firms,” *University of Michigan Journal of Law Reform* 55, no. 1 (2021): 99-137.

36. Noblitt, Zeigler, and Westbrook, “Bias on the Bench,” 136-138.

37. Brian Pilchick, Amanda Mundell, and Emily Miller, *Winning Objections: A Mock Trial Guidebook* (New York: Winning Objections, LLC 2020).

38. American Mock Trial Association, “Midlands Rules of Evidence,” July 18, 2016, <<https://www.collegemocktrial.org/AMTA%20Rules%20of%20Evidence.pdf>>.

39. American Mock Trial Association, *New Team Handbook*, December 2019, <[https://www.collegemocktrial.org/AMTA.%20Handbook%20\(2019\).pdf](https://www.collegemocktrial.org/AMTA.%20Handbook%20(2019).pdf)>.

40. Steven Lubet and Jill R. Koster, *Mock Trials: Preparing, Presenting, and Winning Your Case*, second ed. (Boulder, CO: National Institute for Trial Advocacy, 2014).

41. American Mock Trial Association, *AMTA Rulebook*, January 14, 2021, <[https://www.collegemocktrial.org/AMTA%20Rulebook%20\(as%20of%202023-4-21\).pdf](https://www.collegemocktrial.org/AMTA%20Rulebook%20(as%20of%202023-4-21).pdf)>.



*Tea Party at Lord Harrington's House, St. James's*. Oil on canvas by Charles Philips, 1730. Yale Center for British Art, Paul Mellon Collection, Accession No. B1981.25.503. Public domain, Creative Commons CC0 1.0 Universal license (image cropped). <<https://collections.britishart.yale.edu/catalog/tms:987>>.



# NHD NATIONAL HISTORY DAY

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