

Time: 20-30 minutes

Materials:

- Access to Deliberation Room videos
- Paper for Notetaking

Background

A credible witness is a witness who comes across as competent and worthy of belief. Their testimony is assumed to be more than likely true due to their experience, knowledge, training, and sense of honesty. The judge and jurors use these factors to determine whether they believe the witness is credible.

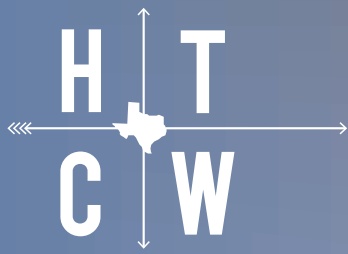
An attorney can show jurors a witness is not credible by showing: 1) inconsistent statements, 2) reputation for untruthfulness, 3) defects in perception, 4) prior convictions that show dishonesty or untruthfulness, and 5) bias. An attorney may also enhance a witness's credibility by showing the witness has always been consistent in their statements.

Summary

Students judge witness credibility by hearing direct examination in a courtroom. Students should identify weaknesses and strengths of testimony, including references to 1) inconsistent statements, 2) reputation for untruthfulness, 3) defects in perception, 4) prior convictions that show dishonesty or untruthfulness, and 5) bias.

Procedure

- Preselect the videos you would like the class to watch. One is civil; one is criminal. Summaries of the two cases are provided on the website.
- Introduce the class to the idea of witness credibility and the ways a lawyer can show a witness is not credible.
- Begin the exercise by listening to the judge's instructions regarding the activity.
- Review the selected case summary with the class.
- Explain to students that they will be trying, as best they can, to figure out who is lying.
- Students should watch and take notes during witness testimony. This should be completed individually to facilitate better discussion like what a jury does during deliberations.
- After watching the witnesses testify, listen to the final judge's instructions prior to deliberation.
- Lead a discussion regarding the credibility of the witnesses. Ask students to defend their position regarding the credibility of the witnesses. At the end of discussion, reveal who was lying.
 - In the civil case, Chris Bloom is lying.
 - In the criminal case, Zen Bridge is lying.



Classroom Activity

WHO DO YOU BELIEVE?

Summary of Cases for Website

KAY DENNING v. ZETA LAMBDA NU FRATERNITY

Kay Denning brings this premises liability action against the Zeta Lambda Nu fraternity (“Zeta Nu”) after she was paralyzed at a fraternity event on its premises on May 24, 2021.

Plaintiff Kay Denning asserts that Zeta Lambda Nu Fraternity is liable as the property owner for the dangerous conditions it created on the property.

Defendant Zeta Lambda Nu Fraternity asserts that the dangerous condition was open and obvious, and Kay Denning bears sole responsibility for her injuries as she was too intoxicated to appreciate the open and obvious dangerous condition.

You will hear from two witnesses. Chris Bloom on behalf of the Plaintiff, and Andrew Dornburg on behalf of the Defendant.

STATE OF TEXAS V. CHRIS BLOOM

The State of Texas brings this criminal action against Chris Bloom under Texas Penal Code Section 31.03, which states that a person commits theft if he unlawfully (i.e. without the owner’s permission) appropriates (i.e. takes) property with the intent to deprive the owner of the property. These charges arise out of accusations by Zen Bridge. Specifically, Mr. Bridge accuses Mr. Bloom of stealing a watch from his jewelry store, Zen Bridge Jewelers.

The State of Texas, on behalf of Mr. Bridge, asserts that Mr. Bloom is liable because he took the watch in question out of the store without Mr. Bridge’s permission and intended to keep the watch for himself.

Defendant Chris Bloom asserts that Mr. Bridge gifted him the watch in question and he never intended to take anything without Mr. Bridge’s permission.

You will hear from two witnesses. Zen Bridge on behalf of the State of Texas, and Chris Bloom on behalf of himself.