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“The court is now in session...”: Use of mock trial in sport management

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ABSTRACT

Mock trial is an active, collaborative exercise, grounded in experiential learning, that simulates a court session in which students engage in role-play to achieve intended learning outcomes. Within the United States, the mock trial has been adopted and tested in a variety of academic disciplines due to its transferable objectives and valuable outcomes, yet little is known about the implementation and effectiveness of mock trials in sport management curriculum. The purpose of this paper is to describe my implementation of mock trial in a graduate Sport Law course, discuss evaluative feedback and reflection on the mock trial exercise, and present implications for future practice. While the mock trial was found to enhance critical skills, broaden legal knowledge, and prepare students for a future career in sport, several challenges were identified. The paper concludes with five strategies I intend to implement in future mock trials – bolster student training, review strategies for success, increase time allotted, enhance authenticity, and expand debriefing.

1. Introduction to mock trial

Mock trial is a dynamic experiential learning exercise that engages students in critical thinking through interactive role-play. Diverse college departments are integrating courtroom simulations into their curriculum to enhance learning and application, illustrating the translatable nature of the mock trial exercise. Instructors and students alike benefit from this interactive exercise. Students learn to work collaboratively, think critically, and translate theory to practice in a real-world scenario, while the instructor gains a new tool to evaluate students' understanding and application of course material (Farmer, Meisel, Seltzer, & Kane, 2012; Sherrin, 2017).

Broadly speaking, the mock trial is a simulation exercise, in which participants engage within groups in deliberately constructed role-play scenario(s) to critically consider, analyze, and apply legal concepts within a specific context. The simulation serves as the driving force for experiential learning to take place, in which new knowledge is constructed through transformative reflection on one's experience (Kolb, 2015). Participation in the mock trial serves as a concrete experience during which the participants reflect on, observe, and practice legal analysis and persuasive speech through engaging in a specified role. Critical thinking and reflection are further achieved through guided debriefing at the completion of the exercise. After transformative reflection, the participant assimilates his/her observations, resulting in the creation of abstract concepts that guide future actions.

General guidelines for creating and implementing mock trials within higher education can be found in the literature. When organizing a mock trial, flexibility, imagination, and realistic role-play scripts are considered essential (Baker, Cimini, & Cleveland,

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2011). Glancy (2016) encouraged instructors to create an authentic environment to enhance realism, clarify expectations, objectives, content, and format of the mock trial, act as a non-participant observer during the simulation, and provide thoughtful feedback to participants. Furthermore, Bengtson and Sifferd (2010) advised instructors evaluate students participating in a mock trial based upon their class attendance and participation, performance in the simulation exercise, written assignments testing substantive knowledge, examination over the rules of evidence and facts of the case, and peer review of students' contribution.

While most of the literature concerning mock trials focuses on strategies for implementation, only a few authors who have implemented mock trials have evaluated the associated strengths and challenges of the exercise. March, Ford, Adams, Cheshire, and Collins (2011) facilitated a mock trial with undergraduate nursing students and found 93.5% of participants reported greater ethical and legal knowledge after participating in the mock trial. MacKay (2000) created a mock trial simulation pertaining to the French Revolution, identifying lack of time for preparation and witness examination, jury and judge bias, and use of the verdict to determine student grades as the primary weaknesses of the exercise. Comparatively, the strengths of the mock trial included the appeal of the exercise to diverse learners, authentic atmosphere (e.g., courtroom, costumes), active participation, collaborative learning, and enhanced social relationships. Miller, Linville, Todahl, and Metcalfe (2009) administered four mock trials to marriage and family therapy graduate students, who found the mock trial influential towards their current practices and future career. However, participants overwhelmingly expressed anxiety about their performance in the mock trial and novelty of the experience. The most prominent challenge related to group collaboration – coordinating schedules and working with diverse individuals.

Use of mock trial continues to expand given its transferable objectives and learning outcomes, active learning process, and application of theory within a context co-constructed by instructor and students (Baker et al., 2011; Garrison & Vaughan, 2008; Gerbic, 2011). Outcomes associated with participation in a mock trial include: enhanced interpersonal, critical thinking, and problem-solving skills, a greater understanding of how to translate theory into practice, increased long-term retention of course material, and new legal knowledge to inform future practice (Gershuny, McAllister, & Rainey, 2012). These critical skills can be translated across academic disciplines and contribute to career readiness, reinforcing the value of the mock trial as a learning tool (Baker et al., 2011). Within sport management, experience is considered a critical component of education and professional development (Foster & Dollar, 2010). An active, experiential learning environment has been found to enhance student qualifications and industry preparation through skill building, including cultivation of critical thinking, problem-solving, and decision-making skills (Klein & Riordan, 2011). Based upon the value of mock trial as an innovative, experiential pedagogical technique appropriate for diverse academic disciplines, I¹ integrated the mock trial within my graduate Sport Law curriculum. The purpose of this paper is to describe my implementation of the mock trial within a sport management graduate course, discuss evaluative feedback and reflection on the mock trial exercise, and present implications for future practice.

2. Mock trial applied

I was assigned to teach the Sport Law course within a Sport Administration graduate program at a large, public institution in the Midwestern United States (U.S.). The graduate Sport Law course was designed to assist sport professionals with understanding and applying the law in the sport industry. I anticipated many students enrolling in the course would have minimal formal legal training, limited to the high school graduation requirement of completing one course specific to the U.S. government. Therefore, when developing the course curriculum, I sought to provide a foundation of knowledge and skills specific to the U.S. legal system and facilitate experiences in which students engaged with and applied the law to sport management. Based on the demand for experiential learning in sport management education, and beneficial outcomes associated with experiential projects, I desired to create a meaningful experience through which students would actively and cooperatively engage with the course content. Upon consulting several legal experts, the mock trial was posed as an effective tool to facilitate critical thinking, analysis, and application of the law.

When creating the mock trial exercise, I reviewed experiential learning theory (Kolb, 2015), role-play and simulation pedagogical techniques (e.g., Bengtson & Sifferd, 2010), and literature related to mock trial (e.g., Glancy, 2016). From reviewing the literature, I was able to establish the structure for the exercise but felt I lacked the legal expertise to write the case problem based upon having a doctorate of philosophy in sport management and not a juris doctorate, which is a terminal law degree in the U.S. To find case materials appropriate for a graduate Sport Law course, I researched the American Mock Trial Association (AMTA) and state departments specific to civic education that facilitated mock trial competitions at the interscholastic and collegiate levels. I was particularly looking for a case involving negligence in sport as it is a complex, controversial, and prominent legal issue within sport management (Cotten, 2017). The Carolina Center for Civic Education granted me permission to use their comprehensive mock trial case, involving negligence and concussions in club sport, within my graduate course.

2.1. Mock trial format

The mock trial acted as one of the primary course evaluations with the following learning objectives: 1) students will be able to identify, evaluate, and discuss key legal issues related to sport; 2) students will be able to analyze, interpret, and connect legal issues for application within the sport field; and 3) students will value collaborative problem solving. All 16 graduate students enrolled were expected to play a specific role (i.e., lawyer or witness) on either the plaintiff or defendant team within the courtroom simulation. Additionally, two external faculty members served as jurors for the proceedings to enhance the objectivity and authenticity of the

¹ Unless otherwise noted, first person in this paper refers to the lead author who was the instructor for the graduate Sport Law course described.

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