

FAMILY LAW MOCK TRIAL: JUSTICE SECTOR VOLUNTEER



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For each OJEN Family Law Mock Trial, there are three packages:

- » **Mock Trial Scenario**
- » **Role Preparation Package**
- » **Justice Sector Volunteer Package**

Youth need the **Scenario** and **Role Preparation** packages.

Justice sector volunteers/teachers/organizers need all three packages.

Additional mock scenarios in administrative, civil, criminal and family law, as well as mock appeal, bail and sentencing scenarios are available at www.ojen.ca



PURPOSE OF A MOCK TRIAL

The purpose of a mock trial is to:

- Help students better understand how the justice system works;
- Provide students with a participatory learning experience;
- Empower students by encouraging them to have a sense of ownership over the justice system;
- Develop self-esteem and public speaking skills; and
- Encourage students to consider careers in the justice system.

Thank you for volunteering to assist with a student mock trial. Your time and enthusiasm will greatly enhance the learning process.

TIME CHART FOR A FAMILY LAW MOCK TRIAL

TIME CHART

Clerk calls to order, calls case and counsel introduces themselves	2 mins
Applicant's opening statement	3 mins
Respondent's opening statement	3 mins
APPLICANT'S CASE:	
Applicant's direct examination of applicant witness # 1	4 mins
Respondent's cross-examination	4 mins
Applicant's direct examination of applicant witness # 2	4 mins
Respondent's cross-examination	4 mins
RESPONDENT'S CASE	
Respondent's direct examination of respondent witness # 1	4 mins
Applicant's cross-examination	4 mins
Respondent's direct examination of respondent witness # 2	4 mins
Applicant's cross-examination	4 mins
CLOSING ARGUMENTS	
Applicant's closing arguments and legal submissions	3 mins
Respondent's closing arguments and legal submissions	3 mins
Judge gives feedback and discusses family trial process, etc.	10 mins

LAWYER COACHES: PREPARING YOUTH FOR A MOCK TRIAL

The role of a lawyer coach in a mock trial is to prepare the participants so that they feel confident in their roles and understand the material. Coaches are not expected to produce polished young counsel, but to encourage enthusiasm and a sense of fun (this might be the first positive experience with the justice system for some participants). Hearings that are overly competitive can be less rewarding experiences for students.

Although most of the coaches' time will be spent preparing counsel and perhaps witnesses, other roles such as court clerk will also need some guidance during the coaching sessions so that they know what is expected of them. The time and efforts of coaches also have a mentoring element, as students benefit from the attention and interest paid to their lives. Simply spending the time engaging with students, regardless of their level of participation in the mock hearing, is a valuable part of the experience.

KEEP IN MIND:

- Students may need coaching on proper courtroom procedure (such as when to stand up, how to refer to the opposing counsel, and when it is appropriate to make an objection).
- For most secondary school mock hearings, students will be part of either a Law or Civics course. To find out more about these courses, and the particular aspects of the justice system that students are studying, refer to OJEN's *Law and the Ontario Curriculum Resource*, available on the OJEN website, www.ojen.ca.
- Participants may have a wide range of education and literacy levels.
- Students may or may not be working with the material outside of the scheduled coaching sessions; confirm this by speaking with their teacher or the mock hearing coordinator.
- Prompting from coaches is not permissible during most tournaments and mock trials. Students (especially those playing lawyers) may become confused, shy, or stuck on certain points, and you may need to help them with strategies for collecting themselves and continuing with their roles without your help during a tournament or trial.

SUGGESTIONS FOR COACHING A MOCK HEARING:

- Review all material beforehand, and assess what your team is attempting to accomplish during the hearing.
- Begin by outlining the legal issues at play to help your group understand what they are trying to prove or defend at trial.
- Review the strengths and weaknesses of your case.
- Help the group to come up with a general theory and strategy.
- Discuss opening and closing arguments by pointing out what information is critical to their party's argument.
- Come prepared to discuss all of the basic points that students will need to make in their examination in chief and cross examination.
- Keep their examination of witnesses short and focused on key points.
- Assist students in coming up with questions for witnesses.

- Help students feel comfortable with how the trial process works.
- Note that because of time restraints, there may be a rule against exhibits.
- To best prepare the participants, it would help to have four lawyers assisting each side: one to help with the opening statement, one to help with the direct examinations, one to help with the cross examinations, and one to help with the closing statement.
- Check the tournament rules. Some organizers choose not to allow Charter arguments as a way to ensure fairness and control the length of the trials.

LAWYER COACHES

MOCK TRIAL JUDGES: JUDGING A FAMILY MOCK TRIAL

Thank you for volunteering to assist with a student mock hearing. Your time and enthusiasm will greatly enhance the learning process. The purpose of a mock hearing is to:

- Help students better understand how the justice system works;
- Provide students with a participatory learning experience;
- Empower students by encouraging them to have a sense of ownership over the justice system;
- Develop self-esteem and public speaking skills; and
- Encourage students to consider careers in the justice system.

The role of a judge in a mock hearing is to preside over the hearing and make a decision on the particular case being heard. Some teachers will provide the judge with a chart to record comments. This chart may be used when marks are assigned. In many mock hearings, judges are also asked to give comments to each of the lawyers and witnesses after the trial (positive feedback and constructive criticism).

Remember that for many students, the opportunity to plead a case or an appeal before a real judge, or a lawyer sitting as a judge, will be a momentous and perhaps intimidating experience. Focus on the educational and participatory aspects of the exercise.

KEEP IN MIND:

- Students may need reminding about proper courtroom procedure (such as when to stand up, how to refer to the opposing counsel, and when to make an objection).
- For most secondary school mock hearings, students will be part of either a Law or Civics course. To find out more about these courses, refer to OJEN's Law and the Ontario Curriculum, available on the OJEN website, www.ojen.ca.
- There may be a wide range in the education and literacy levels of the participants.
- Note that students are expecting a verdict! They want to know who 'won' the case.

SUGGESTIONS FOR JUDGING A MOCK HEARING:

- Be familiar with the facts of the case.
- Do not worry if students make mistakes. They may not understand about hearsay, exclusions of evidence, or complex issues.
- Feel free to intervene and help with examinations or procedure.
- Try to keep students to the time restrictions as much as possible.
- Remind students to speak up, or slow down.
- Check the assumptions the hearing is operating within (i.e. no re-examination of witnesses, no exhibits will be introduced, etc.).
- If you will be giving feedback to the students at the end of the hearing, take note of each participant's name so that you can individualize your comments.

PREPARE FOR THE HEARING BY:

- Reading the information provided.
- Reading any hearing/tournament rules, and find out the answers to issues such as:
 - Is re-examination of witnesses expected or permitted?
 - Are students permitted to confer with their coaches during the hearing?
 - If the opposing team deviates from the fact pattern, should students object during the hearing?
 - If students go over time in a competitive event, are points deducted?