

MOCK BAIL HEARING JUSTICE SECTOR VOLUNTEER



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For this OJEN Mock Bail Hearing, there are three packages:

- » An OJEN Mock Bail Hearing Scenario
- » OJEN Mock Bail Hearing Role Preparation Package
- » OJEN Mock Bail Hearing Justice Sector Volunteer Package

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

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



PURPOSE OF A MOCK HEARING

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.

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

MOCK BAIL HEARING SCHEDULE

TIME CHART

ORDER	ACTION	TIME LIMIT
1	Crown and defence lawyers robe and take their seats in the courtroom	1 min
2	Justice of the peace is escorted into the courtroom	1 min
3	Clerk opens court	2 mins
4	Crown and defence counsel stand and introduce themselves	1 min
5	Crown lawyer reads in allegations	3 mins
INTERVIEWING WITNESSES & PROPOSED SURETIES		
6	Crown Witness – arresting officer	4 mins
7	Defence examination of arresting officer	4 mins
8	Defence examination of proposed surety	4 mins
9	Crown examination of proposed surety	4 mins
CLOSING ARGUMENTS		
10	Crown lawyer gives closing arguments	3 mins
11	Defence lawyer gives closing arguments	3 mins
THE DECISION		
12	Justice of the peace leaves. Court is adjourned (by clerk) until he or she returns	5 mins
13	Justice of the peace returns; clerk calls court back to order. Justice of the peace explains the bail decision and discusses surety provisions if applicable	10 mins
TOTAL		45 mins

Steps 6-9 can be repeated to accommodate multiple witnesses and proposed sureties for the Crown and/or defence.

LAWYER COACHES: PREPARING YOUTH FOR A MOCK BAIL HEARING

The role of a lawyer coach in a mock bail hearing 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 one side's counsel and perhaps witnesses, other roles such as court clerks 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, available on our website at 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. 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.

SUGGESTIONS FOR COACHING A MOCK HEARING:

- Review all material beforehand, and assess what your team is attempting to accomplish during the hearing.
- If you are working with the Crown, start by explaining what the offence is.
- If you are working with defence, start by reviewing the overall weak points of the charge.
- Help the group to come up with a general theory.
- 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 prove 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 to feel generally comfortable with how the hearing process works.
- To ease the preparation required by the participants, have four lawyers per side (1 to prepare the opening statement, 1 to do the direct examination, 1 to cross-examine, and 1 to prepare the closing statement).

MOCK BAIL HEARING JUDGES OR JUSTICES OF THE PEACE: ADJUDICATING A MOCK BAIL HEARING

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:

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

Remember that for many students, the opportunity to present legal arguments before a real justice of the peace, or a lawyer sitting as a justice of the peace, 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 the OJEN website.
- There may be a wide range in the education and literacy levels of the participants.
- Note that students are expecting a decision! 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, exhibits will be introduced, searches and arrests are presumed to be lawful, 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:
 - 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?