

MOCK TRIAL CODE OF PROFESSIONAL CONDUCT

Lawyers in Ontario and in most other jurisdictions are governed by a code of professional conduct which makes certain actions that a lawyer takes subject to disciplinary sanctions by the Law Society of Upper Canada. For example, if a lawyer lies or misrepresents himself or herself to the court, that lawyer could be subjected to disciplinary review and ultimately lose their right to practice law.

The lawyers' duty of professionalism, integrity and promoting the administration of justice is a fundamental part of the Mock Trial Tournament. Accordingly what follows is a Mock Trial **Code of Professional Conduct** that will apply to all students, teachers and participants in the Mock Trial Tournament.

It is our ultimate goal that the **Code of Professional Conduct** will assist the participants in the tournament in receiving the full educational benefit of participating in the tournament.

Our experience over the past 16 years is that the participants are extremely enthusiastic about the Tournament. We believe that this enthusiasm is based in part on the competitive element of the Tournament. The competitive element, if left unchecked can lead to a negative experience for some participants. As a result we have implemented the **Code of Professional Conduct**. The Code provides as follows:

The tournament shall be conducted as an educational exercise first and as a competition second. While winning the tournament is an admirable goal, it is a goal that is secondary to the educational exercise. All students may suffer disappointment but, will have the rewards and benefits of participating in the tournament. Students must be prepared to lose even if it appears to them (and others) that they deserved to win.

There shall be no questioning the judges' ruling.

All participants are responsible for promoting conduct that is consistent with this code.

MOCK TRIAL TOURNAMENT

1999

I. INTRODUCTION

This year's case is Her Majesty the Queen v. Reggie Mantle and the accused is charged with the indictable offence of Theft over \$5,000. The applicable law is detailed in these materials under the heading "Applicable Law". You may assume for the purposes of this case that the accused's rights under the **Canadian Charter of Rights and Freedoms** have been fully complied with. The accused has been granted permission to be tried without a jury.

The Ontario Tournament organizer is Jacqueline Armstrong of Siskind, Cromarty, Ivey & Dowler in London. The Tournament is administered by the Law Day Committee of the Canadian Bar Association - Ontario. All communications regarding this tournament should be made in writing to Janice Richardson of the Toronto office of the Canadian Bar Association ("CBAO"), at the address listed below. We encourage participants to write to the CBAO with respect to any questions about the form or substance of the Mock Trial problem.

Janice Richardson
Director of Committees, Meetings and Personnel
Canadian Bar Association - Ontario
Suite 200
20 Toronto Street
Toronto ON M5C 2B8

Re: Mock Trial Tournament

Fax: (416) 869-1390

E-Mail: jrichardson@cbao.org

II. THIS YEAR'S ONTARIO TOURNAMENT AND ADDITIONAL RULES

This year's Kit is being distributed during the months of October and November, 1998. By Friday, December 18, 1998, interested teachers must notify the Eighteenth Annual Ontario High School Mock Trial Tournament Committee of their interest in receiving the Kit. Attempts will be made to arrange for local lawyers to provide assistance to all teachers requiring such help. Attention is drawn to the rules set out in the "Mock Trial Tournament Guide" as well as to the rules herein.

Teams must be prepared to play the role of counsel for the Crown and the Accused. Teams will be assigned their roles on the basis of a coin toss preceding each round of the competition. Students portraying the witnesses must be familiar with two roles each, so that they can switch depending on the coin toss.

A. Participation and Eligibility

All students on a team must be full-time students at a high school in Ontario. Students who have participated in a past tournament as counsel in inter-school competition are ineligible to compete again in a current tournament. Students who have participated as witnesses may compete again.

B. Round One

Round One consists of a local in-school mock trial competition within the teacher's class or between classes within the same school. This will allow the teacher to form the best school team consisting of six students; four lawyers and two witnesses. At the end of Round One, the school should have selected a team to represent it if it wishes to continue further in the Tournament. At this stage, the teacher may feel that the educational objectives have been met and that he/she does not wish to proceed further. (We would of course encourage all schools to continue to the next round!) **Should the teacher wish to continue on to Round Two, he/she must notify Janice Richardson at the CBAO of such intention in writing on or before 4:00 p.m. Friday, January 29, 1999. Please note that this deadline is firm, and no exceptions can be made.**

C. Round Two

Round Two consists of regional inter-school competitions. The geographical boundaries of the regions will be arranged by the Committee following receipt of all notices of intention to proceed to Round Two. The teachers of the participating schools will be responsible for arranging the time, location and format of the regional play-offs, while adhering to the rules set out herein. Assistance will be provided by the Committee and CBAO will arrange for judges for the Round Two play-offs. **It is anticipated that the precise boundaries of each of the north, south, east and west regions may vary from year to year depending on the numbers and locations of schools interested in participating in Round Two.** The winners of the regional play-offs will advance to Round Three in Toronto.

Round Two must be completed on either **Thursday, February 25, Friday, February 26 or Saturday, February 27, 1999** and Janice Richardson advised as to the regional winners on or before 4:00 p.m. on **Monday, March 1, 1999**. Again, no exceptions will be made with respect to timing. Strict adherence to the deadline will be required in order that the necessary arrangements may be made for travel and accommodations in Toronto for Rounds 3 and 4. Keep in mind that school holidays may impose certain scheduling difficulties.

D. Round Three

Round Three consists of the semi-finals in Toronto on the morning of Law Day, Thursday, April 15, 1999. The four best teams from the regional inter-school competitions will compete in a court room in Toronto before judges of the Ontario Court of Justice.

E. Round Four

Round Four consists of the finals in Toronto on the afternoon of Law Day. The two winning teams from the morning semi-finals will compete again before the presiding judges. All four teams will receive awards at the Law Day Banquet on the evening of April 15, 1999 which all four semi-finalist teams are invited to attend along with various local and provincial dignitaries and members of the Ontario judiciary and legal profession. The winning team will take home the Ontario High School Mock Trial Tournament trophy for the year.

F. Expenses

Schools participating in the Tournament MUST look after their own expenses in Round One (local in-school competition) and Round Two (regional inter-school competition). There are usually no costs associated with Round One and Round Two. Round Two competitions should occur on a Saturday in order to ensure full participation. Local Boards of Education might be approached for financial support by teachers if there are transportation or other costs. Limited financial assistance from the Canadian Bar Association - Ontario may be available for Round Three (semi-finals) and Round Four (finals) for accommodation and transportation, particularly for those schools having to travel some distance to Toronto, but **assistance is limited to the six member team (NO ALTERNATES) and the teacher.**

G. Law Day Re-Enactments

It is hoped that teachers whose teams have not reached the semi-finals and finals in Toronto will nevertheless re-enact their mock trials at school assemblies on Law Day, (April 15, 1999) so that other students and teachers will become aware of the significant benefits of both the mock trial activity and the study of law at the high school level.

H. Inconsistencies in Materials

In the event of any inconsistencies between the Mock Trial Tournament Guide and the Format of Tournament and Specific Case, the Format of Tournament and Specific Case will take precedence and its rules should be observed by all participants.

I. References to Gender

The witnesses may be played by students of either sex. All references in the witness statements to a specific gender may be modified as the particular situation dictates.

III. FACT SHEETS FOR HIGH SCHOOL MOCK TRIAL TOURNAMENT 1999

This section of the materials contains role descriptions for the accused and the various witnesses. Teachers should make these fact sheets available to the students early in the process and the students should be encouraged to find out as much as possible about the character of the role(s) which they will be representing. Note, however, that **students should NOT deviate from the role descriptions, in a manner that constitutes "unfair deviation" as described below.**

We would ask all participants to remember that the object of the Mock Trial Programme is educational, it evaluates the students' ability to learn the facts, understand the issues raised in the problem and to practice their advocacy skills. These are the considerations being evaluated by the judges. Please remember that the mock trial is an exercise in advocacy; your ability to present a convincing case and to react to situations which you did not anticipate is the essence of the exercise.

We encourage the witnesses to "get into character", whether by way of role playing and/or by way of dressing the part. Although witnesses will attempt to prepare for every possible question that may be asked of them, they must be prepared to respond, on the spot, to questions which were not anticipated. As a result, witnesses must be flexible. On the other hand, if the testimony is not consistent, a Judge may begin to doubt the truth of the statements. Establishing credibility will, therefore, present a challenge to every witness at the trial. In order to carry out the witness role successfully, the two Crown witnesses (Principal Weatherbee and Officer Ronnie Lodge) should meet before trial and work out other details about their characters. Similarly, the two defence witnesses (the accused Reggie Mantle and Archie Andrews) need to work out some details together. Please note, that while we encourage students to develop the characters of the witnesses and to fill in the gaps in their personalities, teams will be penalized for deviating from the fact sheets. For the purposes of the mock trial, the following definition of "unfair deviation" includes, but is not limited to:

- A. Changing relevant facts,
- b. Refusing to admit, in cross-examination, a fact which is included in a fact sheet,
- and
- c. The addition of any fact, including personal characteristics of a witness, which might unfairly influence the result of the case.

The Canadian Bar Association - Ontario would like all of the participants to be aware that it is the judge, and the judge alone, who is the trier of fact. It is the judge's role to determine whether there has been a deviation from the facts, to determine whether the deviation was "unfair", and to determine whether the deviation affected, in any material way, his/her determination of the case. There will be no specific objections to bringing the deviation to the notice of the judge, nor will there be specific penalties for deviations; the existence of, effect of, and penalty for, any deviation, is strictly within the discretion of the judge.

In your presentation, we would ask all teachers and students, and their advisers, to remember that, in an effort to ensure a "level playing field" for all of this year's participants, you are directed to strictly adhere to the facts and law as given to you; do not add additional facts, do not use case law,

case books or any statute law extraneous to the problem. All of the relevant and material facts and law have been provided to you in the materials.

If there are any questions regarding the foregoing, please refer to the Introduction found at Part I of these materials.

ROLE - Police Officer Ronnie Lodge - Crown Witness

Detective #487

Riverdale Police Department

Description of Witness -

Officer Lodge has been a police officer for 15 years. Officer Lodge has recently qualified as a fingerprint expert. Prior to this, Officer Lodge had investigated lost kittens and dogs. Officer Lodge was on duty at police headquarters on the evening of March 12, 1999.

Statement of Witness -

At approximately 7 o'clock on March 12, 1999 I received a call from another uniformed officer. Because of this call, I attended at Riverdale High School and investigated a theft at the school. I met Principal Weatherbee and was advised of the missing items: a Pentium II 300 Computer, serial number 64787AD; disk storage case; and five disks containing important and confidential school information. I understand from Principal Weatherbee that value of the computer is close to \$5000, and the computer disks, because of their intrinsic value would definitely bring the value to over \$5000.00.

I then fingerprinted around the front office concentrating on the office reception and Principal Weatherbee's office. I was only able to get one clear fingerprint. I took this to the lab for fingerprinting but was unable to match it to any one on file.

On March 16, 1999, I received a phone call from Ms. Grundy a teacher at Riverdale High School. According to Ms. Grundy, she had just made inquiries about a Pentium II 300 Computer which she had seen advertised in the Local College Newspaper's classified section. The low selling price of this computer had apparently caused her to be suspicious enough to contact me.

I immediately called the number provided to me by Ms. Grundy and pretended to be an interested purchaser. The voice on the end of the telephone line that provided me with the address where this computer could be viewed sounded strangely familiar. I attended the address which was a 15 minute drive away. To my shock it was my ex-spouse's address. (As an aside we had a very amicable break-up even though she took all of the furniture.) However, I did not recognize the person who answered the door. I saw the computer which was being offered for sale. Later, I noticed that it not only matched the description of the computer taken from the high school, but the serial number matched as well. I also noted various computer disks marked Property of Riverdale High School. I identified myself immediately as a police officer and placed the accused under arrest on the two charges. As required, the caution and rights to counsel were read to the accused at that time.

At police headquarters I booked the accused and took fingerprints. The accused's fingerprints were already on file from a Halloween prank the year before, and matched the one fingerprint I found in the office.

[I can now say that I recognize the person sitting in the prisoner's dock as the accused.]

Helpful Suggestions

You will play Officer Lodge in the mock trial. In order to carry out your role successfully, you will have to meet with the crown counsel before the trial to work out other details about your character. You may want to discuss matters such as how you dusted for fingerprints, how you identified the computer. These questions may be asked of you on the witness stand.

In your discussion with Crown counsel, make sure that the details of your story agree with what other witnesses for the Crown will say.

During your testimony, you will be asked by Crown Counsel to identify a number of exhibits: the fingerprint, the certificate of fingerprint analysis, and photographs of stolen items. As the Crown Counsel hands you each exhibit, examine it and confirm that it is what it is said to be.

It is impossible to prepare for every question which you may be asked. Try to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot.

Try to keep your story consistent throughout your testimony. Please accept this statement as a summary of your evidence. There is no issue to authenticity. Your credibility is on the line. You have to make the judge believe that you are telling the truth.

Note - Photographs allow the Police to release the actual items to the rightful owners without keeping the items until trial.

ROLE - Principal Weatherbee - Crown Witness

Description of Witness -

Principal Weatherbee is the 40 year old principal of Riverdale High School, who enjoys being a principal and who is well liked by most of the students. Weatherbee's hobbies include playing video games and eating fattening foods.

Statement of Witness -

On March 12, 1999 during the week of March Break, I had arranged for the upgrading of the computer system in the main office. I had done a fair amount of research to determine which system was the most appropriate for our school needs. I determined that although it used up most of our \$5000.00 budget, we needed a Pentium II 300 computer.

After the computer company arrived at the school a little after 9 o'clock, I went to a professional development meeting in the gymnasium, taking with me my presentation papers, and important and confidential school disks.

I returned to my office during the mid-morning break to check on the computer installation and return to my desk drawer the important and confidential computer disks containing not only school information but personal e-mails and pictures I had downloaded from the internet. I placed these disks in a disk storage case. I then started to play computer games on my new computer.

As I looked up through my office window into the reception area, I saw a student looking in the window, whom I recognized to be accused. The accused is familiar to me as I had suspended the accused at Halloween the year before for a prank. When our eyes met, the student quickly ran away. Although this was a surprise, I did not call to any of the office staff or the computer installers assuming there was some logical explanation.

At the end of the day and after the seminar ended, I locked my office door and the main office door and made sure the new computer was turned off and the lights were off. I was gone from 5 pm until 6:50 pm before I returned to the school for an open house. When I returned I noticed that the office lights were on and the office door was ajar. I saw that the window was broken and there was glass on the floor, and the computer and disk storage case were missing. I was frantic for two reasons; the important confidential information and all of those personal e-mails. I immediately called the police, and they arrived shortly afterwards.

I gave the police the complete description of the following missing items:

- one disk storage case
- five computer disks marked Property of Riverdale High School
- one Pentium II 300 Computer, serial number 64787AD

The incident seemed strange because the paper school records and files were intact, the personnel items were not open, the cash box had not been touched and nothing else had been rifled or pillaged. Only the computer, the disk storage case and disks were gone and the burglar had apparently known just where to look for the disks.

HELPFUL SUGGESTIONS

In order to carry out your role successfully, you will have to meet with the crown counsel before the trial to work out other details about your character. You may want to discuss matters such as how many times the accused had been in your office, what type of computer information the accused gave you, what computer games you were playing, why you didn't speak to the accused while in the front office? These questions may be asked of you on the witness stand.

In your discussion with Crown counsel, make sure that the details of your story agree with what other witnesses for the Crown will say.

During your testimony, you will be asked by the Crown Counsel to identify a number of exhibits. As the Crown Counsel hands you each exhibit, examine it and confirm that it is what it is said to be.

It is impossible to prepare for every question which you may be asked. Try to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot. Try to keep your story consistent throughout your testimony.

Please accept this statement as a summary of your evidence. There is no issue to authenticity. Your credibility is on the line. You have to make the judge believe that you are telling the truth.

ROLE - Reggie Mantle - Accused

Description of Witness -

Reggie Mantle is a student at Riverdale High School. Reggie was keeping best friend, Archie Andrews; company and earning extra money during the March Break by painting the school. Reggie considered Archie to be the most interesting and fun person in the whole world. Reggie really respected and worshipped Archie. Reggie lives in rental accommodation.

Statement of Witness -

On March 12, 1999, I was painting with my good friend and school mate Archie Andrews. We had been told by Weatherbee to paint the area near the gymnasium. I thought that this was a totally cool job, particularly when there were no other students around, and we were all alone and could check out the school office and see the new computer that was being installed.

Archie and I were very interested in computers and were thinking of setting up a cool greeting on Weatherbee's computer that would pop up when Weatherbee logged in. (I knew Weatherbee would blow a gasket. Weatherbee's nose was still out of joint from our last Halloween prank when we tied up Ms. Grundy and sent ransom notes in the report cards.) So anyhow, during our lunch break we popped into the office to nose around and see what we could do. Archie and I looked at several of the support staff's computers and the front office records. I am not sure but I may have touched some of the windows while I snooped around the office. At first I thought that there was no one in the office, but then I saw Principal Weatherbee in his/her office. I don't know whether Archie or I saw Weatherbee first. Principal Weatherbee was playing video games and surfing the net.

I do not recall seeing any disks or the disk carrying case. Because Weatherbee spotted us, we sheepishly ran back to our painting.

After painting that day, Archie and I went to Pop's Choklit Shop. We were there from 4 PM until 7 PM eating burgers and fries. We then went up the street to the "Betty" movie theatre to see the new "Jughead" movie. After the movie, I drove Archie home. I then went home to bed. This was around nine PM. I explained my whereabouts during the pertinent time to the police directly after being arrested.

When I was at work the next day, I was approached by fellow student painter. This student told me he wanted to sell me some things at a "very good price" because of some bills and needing the money badly. There were some computer disks with video games, and a new computer. Partly to help out a fellow painter and partly to get a deal, I purchased the computer disks containing games for \$100 and the computer for \$500. I know the value of these items was in excess of \$5000 at the stores. I paid cash for both of these items as I had just gotten paid for my painting job. Because I got such a good price, and my car needed repairing, I thought I could make some money by re-selling the computer at a higher price, so I listed the computer in the College Newspaper's Classified Section.

Not long after listing the computer, I received many interested phone calls. Only one person came by to look at the computer. I recognized Officer Lodge first as the ex-spouse of my

parent's new partner. (I know that it was not a happy split.) I was placed under arrest by Officer Lodge after my rights were read to me. When Officer Lodge first visited I did not realize that Lodge was arriving in his/her professional capacity and was not just visiting the ex-spouse.

I have refused to name my co-worker with whom I made the deal because I am not a fink, and I don't want to get anyone else in trouble.

I think Weatherbee has it in for me, because of my great computer knowledge. I have even set up a web page for old Weatherbee under an alias name. Frankly, I was so nervous and embarrassed seeing Weatherbee playing video games and surfing the net, that I couldn't wait to get out of there. Both Archie and I immediately returned to painting.

HELPFUL SUGGESTIONS

In order to carry out your role successfully, you will have to meet with the defence counsel before the trial to work out other details about your character. You may want to discuss matters such as how many times you have been in the Principal's office, your relationship with the Principal and with Archie, and your knowledge of computers. These questions may be asked of you on the witness stand.

In your discussion with defence counsel, make sure that the details of your story agree with what Archie will say on the witness stand.

Also when you are on the witness stand, you should be prepared to improvise but not unfairly create new facts. It is impossible to prepare for every question which you may be asked. Try to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot. Remember to keep your story consistent throughout your testimony.

Please accept this statement as a summary of your evidence. There is no issue to authenticity. The verdict in this case may largely depend on your credibility. You have to make the judge believe that you are telling the truth.

ROLE - Archie Andrews - Defence Witness

Description of Witness -

Archie is considered the best friend, school mate and computer partner of Reggie. Archie lives in a basement apartment in the Lodge Mansion. (where Officer Lodge resides) Archie works part time doing odd jobs around Riverdale High School. Archie now gets paid for the odd jobs, but up until the winter holidays, it was considered volunteer work to repay the school for a little Halloween prank. The punishment could have been worse for Archie, but Reggie claimed responsibility for the prank.

Statement of Witness -

On March 12, 1999 Reggie and I were working on painting the cafeteria, and cleaning out the trophy gallery close to the principal's office. The painting was supposed to be finished by the end of the morning, but it didn't actually get finished until early evening. At lunch time, Reggie and I took a break and first wandered around the front hall of the school. We then decided to poke around the office and watch the installation of the new computer. (We both had a huge interest in computers.) Unfortunately by the time we arrived at the front office, the computer technicians had already left. At first I did not see anyone in the office. Reggie suddenly turned to me and said "Hey, let's get back to painting, Weatherbee is in the office!" Neither one of us said anything while we watched Weatherbee using the school computer to play video games and surf the net. I was too embarrassed to stay and I was thinking of how Weatherbee had caught us last Halloween when we tried to kidnap Ms. Grundy. So, we quickly and silently left the office and returned to painting.

Around 4:45 pm Reggie and I went to Pop's Choklit Shop. We ate cheeseburgers until 7pm and then quickly made it to the movie; Jughead Jones Strikes Again. I cannot remember the name of the theatre, but I know the movie lasted about two hours, and we stayed to the end. It was at least 9 pm when Reggie drove me home.

The next day while painting the nursery school, Reggie mentioned to me about going to get a great deal on a computer and some computer games, but didn't explain. From the best of my recollection that is the last time the computer was mentioned.

HELPFUL SUGGESTIONS

In order to carry out your role successfully, you will have to meet with the defence counsel before the trial to work out other details about your character. You may want to discuss matters such as how often you see the accused, how long it took you to paint the school, if the accused was with you the whole time, what other people you saw in the school and who else paints with you? These questions may be asked of you on the witness stand.

In your discussion with defence counsel, make sure that the details of your story agree with what Reggie will say on the witness stand.

Also when you are on the witness stand, you should be prepared to improvise but not unfairly create new facts. It is impossible to prepare for every question which you may be asked. Try

to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot. Remember to keep your story consistent throughout your testimony.

Please accept this statement as a summary of your evidence. There is no issue to authenticity. Your credibility is on the line. You have to make the judge believe that you are telling the truth.

IV. THE INDICTMENT

Ontario Court of Justice
General Division

The County of Riverdale
Judge Alone

Canada
Province of Ontario
Region of Dale

HER MAJESTY THE QUEEN

v.

REGGIE MANTLE

Reggie Mantle stands charged:

COUNT 1 - On the 12th day of March 1999 at the city of Riverdale, County of Dale, Province of Ontario, did unlawfully break and enter Riverdale High School, and commit therein an indictable offence to wit, theft of a Pentium II 300 Computer, five disks and a disk storage case, property of the Dale County School Board, contrary to the Criminal Code of Canada.

COUNT 2 - On the 16th day of March 1999 at the city of Riverdale, County of Dale, Province of Ontario, did unlawfully have possession of stolen property, to wit, a Pentium II 300 Computer, five disks and a disk storage case, property of the Dale County School Board, of a total value exceeding \$5000.00, knowing that said property was obtained by the commission in Canada of an offence punishable by indictment, to wit, theft, contrary to the Criminal Code of Canada.

Dated at the City of Riverdale, Province of Ontario this 30th day of March 1999.

CROWN ATTORNEY

Attorney General - Province of Ontario

APPLICABLE LAW

Applicable Law - (Reference is made to the Criminal Code of Canada. All section numbers are accurate, subsection numbers have been changed for this fact scenario only.)

BREAK and ENTER

Section 348 (1) Everyone who

- i) breaks and enters a place with intent to commit an indictable offence therein,
- ii) if the offence is committed in relation to a place other than a dwelling-house, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or of an offence punishable on summary conviction.

THEFT

Section 322 (2) A person commits theft when, with intent to steal anything, he moves it or causes it to move or to be moved, or begins to cause it to become movable.

PUNISHMENT FOR THEFT

Section 334 Except where otherwise provided by law, every one who commits theft

- i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, where the property stolen is a testamentary instrument or the value of what is stolen exceeds five thousand dollars;

POSSESSION

Section 354 (1) Everyone commits an offence who has in his possession property or thing or any proceeds of any property or thing knowing that all or part of the property or thing or of the proceeds was obtained by or derived directly or indirectly from i) the commission in Canada of an offence punishable by indictment;

Section 355 Everyone who commits an offence under section 354

- i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, where the subject-matter of the offence is a testamentary instrument or the value of the subject-matter of the offence exceeds five thousand dollars;

V. MOCK TRIAL TOURNAMENT TIME CHART 1999

| | | | |
|----|---|----------------------|-------------|
| 1. | Call to order, read charge, enter plea, introduction of teams | | 2 - 3 min |
| 2. | Crown - opening statement | | 4 min |
| 3. | Crown Witnesses | | |
| | Officer Ronnie Lodge | - direct examination | 6 min |
| | | - cross examination | 4 min |
| | Principal Weatherbee | - direct examination | 6 min |
| | | - cross examination | 4 min |
| 4. | Defence opening | | 4 min |
| 5. | Defence Witnesses | | |
| | Reggie Mantle | - direct examination | 6 min |
| | | - cross examination | 4 min |
| | Archie Andrews | - direct examination | 6 min |
| | | - cross examination | 4 min |
| 6. | Summations | | |
| | Defence | | 5 min |
| | Crown | | 5 min |
| 7. | Short Recess at Judge's discretion for deliberation | | |
| 8. | Judge - verdict and team assessment | | 10 - 12 min |
| 9. | Judge - delivery of verdict and team assessment | | 10 - 12 min |

N.B. FOR THE PURPOSES OF THE MOCK TRIAL PROGRAMME, PLEASE BE ADVISED THAT THERE IS NO RIGHT OF RE-EXAMINATION. SHOULD A JUDGE SUGGEST THAT RE-EXAMINATION WOULD BE A GOOD IDEA, PLEASE ADVISE THE JUDGE THAT THERE IS NO SCOPE FOR IT WITHIN THE CONTEXT OF THE PROBLEM. IT IS ALL COUNSEL'S RESPONSIBILITY TO ADVISE THE COURT IF THE MATTER SHOULD ARISE.

CLERK/DEPUTY OF THE COURT 1999

The clerk's and the deputy's jobs are to help the judge run the courtroom. To begin with, you should be familiar with the general trial script summary which is set out below:

A. Trial Script Summary

- i. Court deputy escorts judge to bench and calls order; court clerk formally opens court.
- ii. Counsel stand to identify themselves (Crown followed by defence).
- iii. Court clerk reads the indictment and accused pleads to charges.
- iv. Crown counsel makes opening statement.
- v. First Crown witness called and sworn in by court clerk.
- vi. Crown examines witness (direct examination).
- vii. Defence examines witness (cross examination).
- viii. Steps 5-7 are repeated for each Crown witness.
- ix. Defence makes opening statement.
- x. Steps 5-7 are repeated for each defence witness with defence conducting direct examination and Crown conducting cross examination.
- xi. Defence presents closing arguments.
- xii. Crown presents closing arguments.
- xiii. Judge leaves.
- xiv. Court adjourns briefly to await return of judge.
- xv. Judge returns and tells the accused that he or she is "guilty" or "not guilty".
- xvi. Judge evaluates teams.
- xvii. Court is adjourned.

The specific duties of the court clerk and deputy will now be explained.

1. ANNOUNCE THE OPENING OF COURT:

When all participants have taken their places, you will usher in the judge and announce:

Court Deputy: "Order, all rise"

It is also good to introduce the judge, by saying:
"Mr. Justice/Madame Justice_____presiding".

Court Clerk: "Oyez, Oyez, Oyez, Anyone having business before the General Division of the Ontario Court of Justice for the Province of Ontario and come now forward attend upon Her Majesty the Queen".

2. READ THE CHARGES TO THE ACCUSED:

After the Crown and Defence Lawyers identify themselves, you will read the charge as it is set out in the Indictment. A copy of the Indictment is in these materials. You will stand and say:

1. "Reggie Mantle, you stand charged that on the 12th day of March 1999 at the city of Riverdale, County of Dale, Province of Ontario, you did unlawfully break and enter Riverdale High School, and commit therein an indictable offence to wit, theft of a Pentium II 300 Computer, five disks and a disk storage case, property of the Dale County School Board, contrary to the Criminal Code of Canada."
2. "How say you to this charge? Do you plead guilty or not guilty?"
3. "Reggie Mantle you stand charged that on the 16th day of March 1999 at the city of Riverdale, County of Dale, Province of Ontario, you did unlawfully have possession of stolen property, to wit, a Pentium II 300 Computer, five disks and a disk storage case, property of the Dale County School Board, of a total value exceeding \$5000.00, knowing that said property was obtained by the commission in Canada of an offence punishable by indictment, to wit, theft, contrary to the Criminal Code of Canada."
4. "How say you to this charge? Do you plead guilty or not guilty?"

3. SWEAR IN THE WITNESSES:

After the accused pleads not guilty to the charge, the Crown will begin its case. They will call their first witness to the stand, Officer Ronnie Lodge. You will be responsible for swearing in Officer Lodge and all subsequent witnesses.

One way of doing this is to approach the witness with a book (Bible) for him/her to swear on. You then say:

"Will you state your name to the court please?"

After the name is given, the oath is given:

"Do you promise to tell the truth as you know it concerning this matter?"

or

"Do you swear that the evidence to be given by you to this court between our Sovereign Lady the Queen and the accused shall be the truth, the whole truth, and nothing but the truth, so help you God?"

"Do you solemnly affirm to... etc." (for those who object to swearing an oath to God)

4. ANNOUNCE ADJOURNMENTS AND THE CLOSING OF COURT

After the closing arguments have been made by both sides, the judge will adjourn for 10-12 minutes to decide on the verdict and prepare the team evaluation. When ready to adjourn, you will rise and say:

Deputy: "All rise"

Clerk: "Court will now adjourn (or recess) for 10 minutes"

When the judge is ready to return, the deputy will call the courtroom back to order and will ask everyone to rise.

Clerk: Court is now resumed, please be seated.

The judge will then announce the verdict (guilty or not guilty) as well as which team delivered the best performance. When all is finished, you rise and say:

Deputy: "All rise"

Clerk: "Court is adjourned"

5. MISCELLANEOUS DUTIES

There may be other jobs which you can perform for the judge, such as providing pens and paper, and a glass of water. It might also be wise to xerox some "performance sheets" in case the judge forgets to bring one.

