

# HUMAN RIGHTS TRIBUNAL OF ONTARIO MOCK HEARING JUSTICE SECTOR VOLUNTEER



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For this OJEN Mock Hearing, there are three packages:

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

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

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

Additional scenarios, including civil, administrative, criminal, bail, and appeal hearing scenarios are available at [ojen.ca](http://ojen.ca).



## 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.

**TIME CHART FOR A HUMAN RIGHTS TRIBUNAL OF ONTARIO MOCK HEARING**

TIME CHART

ORDER	ACTION	TIME LIMIT
1	Tribunal Adjudicator calls hearing to order	1 min
<b>OPENING</b>		
2	Applicant's opening statement	3 mins
3	Respondent's opening statement	3 mins
4	Preliminary matters <ul style="list-style-type: none"> <li>Adjudicator addresses any preliminary procedural, legal or other issues raised by the parties</li> </ul>	2 mins
<b>APPLICANT'S CASE</b>		
5	Applicant's direct examination of Applicant Witness #1 (or take the stand if self-represented)	6 mins
6	Respondent's cross-examination of Applicant Witness #1	3 mins
7	Applicant's re-direct of Applicant Witness #1 (if necessary)	2 mins
8	Applicant's direct examination of Applicant Witness #2	6 mins
9	Respondent's cross-examination of Applicant Witness #2	3 mins
10	Applicant's re-direct of Applicant Witness #2 (if necessary)	2 mins
<b>RESPONDENT'S CASE</b>		
11	Respondent's direct examination of Respondent Witness #1 (or take the stand if self-represented)	6 mins
12	Applicant's cross-examination of Respondent Witness #1	3 mins
13	Respondent's re-direct of Respondent Witness #1 (if necessary)	2 mins
14	Respondent's direct examination of Respondent Witness #2	6 mins
15	Applicant's cross-examination of Respondent Witness #2	3 mins
16	Respondent's re-direct of Respondent Witness #2 (if necessary)	2 mins
NOTE: A member can ask questions of the Applicant, Respondent or their witnesses at any time during the hearing.		
17	Applicant's closing submissions	3 mins
18	Respondent's closing submissions	3 mins
19	Applicant's reply (if necessary)	1 min



TIME CHART

<b>DECISION AND CLOSING</b>		
20	Tribunal Adjudicator deliberates and makes a decision	<b>2 mins</b>
<b>POST HEARING AND DISCUSSION</b>		
21	Tribunal Adjudicator gives feedback and discusses the hearing process, etc.	<b>10 mins</b>

## LAWYER COACHES: PREPARING YOUTH FOR A MOCK HEARING

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

Coaches will focus on preparing counsel and witnesses, as well as mentoring and engaging with students.

### KEEP IN MIND:

- Students may need coaching on proper hearing room etiquette and procedure (such as when to stand up, how to refer to the opposing counsel, etc.).
- 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 their curricula, visit the OJEN website, [ojen.ca](http://ojen.ca).
- Confirm whether students are working on the hearing materials outside of coaching sessions by speaking with their teacher/mock hearing coordinator.
- Prompting from coaches is not allowed during most mock hearings. Prepare students by introducing strategies to help them if they get stuck or feel overwhelmed.

### SUGGESTIONS FOR COACHING A MOCK HEARING:

- Review all material and collaboratively identify your team's goals for the hearing.
- Begin by outlining the legal issues relevant to each side (Applicant and Respondent) in order to help your group understand what they are trying to prove or defend.
- Review the strengths and weaknesses of the case and help the group generate a legal theory and strategy, as well as opening and closing submissions.
- Discuss all the basic points that students will need to make in their examination-in-chief and cross examination.
- Assist students in coming up with questions for witnesses and keep the examinations short and focused.
- Help students to feel comfortable with how the hearing process works.

## MOCK HEARING BOARD MEMBERS: JUDGING A MOCK HEARING

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

The role of a Tribunal Member 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 volunteer Tribunal Member with a chart to record comments. This chart may be used when marks are assigned. In many mock hearings, Tribunal Members are also asked to give comments to each of the representatives and witnesses after the trial (positive feedback and constructive criticism).

Remember that for many students, the opportunity to plead a matter before a real Tribunal Member (or a lawyer sitting as a Tribunal Member), will be a momentous and perhaps intimidating experience. Focus on the educational and participatory aspects of the exercise.

### KEEP IN MIND:

- Students may need reminders on proper hearing room etiquette and procedure (such as when to stand up, how to refer to the opposing counsel, etc.).
- 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 their curricula, visit the OJEN website, [ojen.ca](http://ojen.ca).
- There may be a wide range of participant education and literacy levels.
- Students are most likely expecting a verdict! They will 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 some of the more complex issues relating to the legislation.
- 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.
- 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 comments.

**PREPARE FOR THE HEARING BY:**

- Reading the information provided.
- Seeking out any hearing rules for answers to questions 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?

A sample marking **scheme for judges, mock hearing rubric** and **mock hearing performance rating sheet** may be found in the OJEN resource, “Making the Case: Mock Hearing Toolkit”, available on the OJEN website: [ojen.ca](http://ojen.ca).