



2014-2015

OBA/OJEN LAW DAY SECONDARY SCHOOL MOCK TRIAL Tournament Guide and Code of Professional Conduct

Celebrating Charter Values Throughout the Year



ONTARIO BAR ASSOCIATION

L'ASSOCIATION DU BARREAU DE L'ONTARIO

A Branch of the Canadian Bar Association
Une division de l'Association du Barreau canadien

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OBA/OJEN Law Day Secondary School Mock Trial Tournament Guide and Code of Professional Conduct 2015

This document has been adapted from the OBA 2014 version. We reserve the right to make amendments to this document for future competitions and welcome feedback from teachers, coaches and other mock trial program stakeholders for suggestions. **A summary of the revisions made to this Guide on March 5, 2015, is included at page 22.** Where this revised version of the Guide conflicts with the previous version, this version prevails.

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RATIONALE OF THE OBA/OJEN LAW DAY SECONDARY SCHOOL MOCK TRIAL PROGRAM (LDSSMT)

Student mock trials are undoubtedly one of the most exciting justice education opportunities for young people in our province as they provide a positive, experiential way of exposing students to the justice system, as well as developing their personal advocacy skills. We are pleased to prioritize the students' experience in these events, which continue to be a fun and exhilarating learning opportunity for participants.

The mock trial experience also provides an opportunity to justice sector professionals and educators to work together towards common goals. By incorporating experiential learning and access to local lawyers and judges, students benefit by gaining a basic understanding of how our legal system works on a personal level. Lawyers also benefit, honing skills like plain language communication and learning about youth's perspectives of legal issues. Over the years, mock trial competitions have led to lasting relationships between teachers and lawyers, and amongst teachers, who mentor, support and assist each other in providing this opportunity for their students. Clearly mock trials benefit all stakeholders involved.

While participating in the LDSSMT, students, coaches and all other mock trial stakeholders are encouraged to exemplify the qualities of courtesy, respect, civility, cooperation and professionalism that are fundamental to both the justice system and to Canadian society.

OBJECTIVES

- The Canadian Bar Association (CBA) introduced Law Day in 1983 as a means to commemorate the signing of the Charter and educate the public about the legal system. Mock trials are an integral part of the Law Day celebration
- To offer students an experiential learning opportunity that builds advocacy skills while increasing their knowledge of the judicial system
- To provide opportunities for Ontario students to work collaboratively, gaining first-hand experience of the complexity of resolving legal issues
- To involve expert mentors from the legal community in the process of preparing legal arguments and to support students in the experience
- To develop relationships between educators and their local legal community that provide additional opportunities for the benefit of Ontario high school students
- To emphasise local regional programs, increasing the accessibility for mock trial participation to the greatest number of students
- To support educators by providing opportunities for their students to apply what they are learning in class, while also minimizing the time commitment required for organizing these opportunities
- To provide every high school student in Ontario the opportunity to celebrate Charter values throughout the year

OPENING – LDSSMT CODE OF PROFESSIONAL CONDUCT

Lawyers in Ontario are governed by a code of professional conduct enforced by the Law Society of Upper Canada (LSUC). If a lawyer acts in a way contrary to that code, they are subject to disciplinary sanctions. For example, according to the LSUC Rules of Professional Conduct, rule 5.1-2e:

When acting as an advocate, a lawyer shall not knowingly attempt to deceive a tribunal or influence the course of justice by offering false evidence, misstating facts or law, presenting or relying upon a false or deceptive affidavit, suppressing what ought to be disclosed, or otherwise assisting in any fraud, crime, or illegal conduct.ⁱ

The lawyer's duty of professionalism, integrity and promoting the administration of justice is a fundamental part of the OBA/OJEN Law Day Secondary School Mock Trial Program. Accordingly, what follows is a code of professional conduct (the Code) that will apply to all students, teachers and participants in the LDSSMT.

Based on our experience, participants are extremely enthusiastic about mock trials. Students, teachers and lawyer volunteers work very hard to prepare and are eager to have their efforts rewarded with positive results. While this enthusiasm is a natural element of the competitive nature of mock trials, if left unchecked it can lead to a negative experience for some participants, casting a shadow on the benefits of experiential education. It is our ultimate goal that this Code and Tournament Guide will assist the participants in the tournament in receiving the full educational benefit of participating in the LDSSMT.

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. Some 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 a judge's ruling.

All participants are responsible for promoting conduct that is consistent with the LDSSMT Tournament Guide and Code of Professional Conduct.

LDSSMT PROGRAM STRUCTURE AND RULES

Regional Tournament Structure

1. Round One: Intramurals (optional)

Round One may consist 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 or four 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 regional 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, although we would of course encourage every school to register for the regional competition! The composition of a school team is ultimately up to each school to determine as it sees fit.

2. Round Two: Regional Finals

Round Two consists of regional inter-school competitions. There will be eight regions based on the Ontario Superior Court of Justice geographical regions. The competitions will take place at central courthouses for those regions and the local stakeholders will work with us to arrange the time, location, judges and format for the regional playoffs while adhering to rules set out herein.

Depending on the number of schools registering in each region, there may be playoffs scheduled in advance of the final competition day, and these will be arranged with the schools in each region, if necessary, once registration is complete.

Schools may, but are not required to, provide the names of competing students when registering. Therefore, a school may register before it completes its team selection process in Round One, and provide student names at a later date in advance of Round Two.

Regional finals must be completed by Friday, May 31, 2015 and OJEN advised as to the regional winners on or before 4:00 p.m. EST Friday, June 5, 2015 for promotion purposes.

Eligibility

The LDSSMT program is open to full-time Ontario high school students from all grades (9-12). Students who have participated in last year's competition may play any role in this year's competition.

Team Composition

Core Team, Timekeeper and Alternate

The "core" team must be composed of a minimum of six and a maximum of eight students in total, including all lawyers and witnesses. Teams must also bring one official timekeeper to trials, and may include one alternate team member when providing their team's roster of names. The alternate may step in to fill a spot on the core team if a core team member cannot attend a trial.

Team Line-ups at Trial

Teams have flexibility in determining their "line-ups", i.e. the roles students play on Crown and on defence, as students can change roles when the team changes sides. The following stipulations apply:

- Exactly four students must play lawyers on each line-up.
- Each student lawyer must examine one witness, either on direct examination or cross-examination.
- In addition to examining one witness, two of the four lawyers must also deliver the opening and closing arguments. The same lawyer cannot deliver both opening and closing arguments.

Students may switch between playing lawyers and playing witnesses when they switch line-ups, so that, for example, a student who plays a lawyer for the Crown may play a witness for the defence, etc.

Please refer to the Fact Sheet on Team Composition at page 18 of this Guide for some illustrations of how your team can be composed.

Determining Crown and Defence Sides at Trial

Teams must be prepared to play the role of counsel and witnesses for the Crown and the defence. Normally, teams will play two preliminary rounds in a competition, and will be assigned the Crown once and the defence once. In semi-final and final rounds, teams will be assigned Crown or defence on the basis of a coin toss: the top-ranked team in the match-up (based on preliminary round scores) will call heads or tails, and the winner of the toss will select their preferred side.

Witnesses may be called in any order.

Case Materials

Case materials will be released on the program website in the fall. Mock trial stakeholders will have a set period of time (specified on the website) to review the materials and offer suggestions. The final version of the case will be released by the date specified on the site each year. There will be no further re-releases, although mock trial stakeholders can always share comments and ideas for future consideration. Case materials include sworn witness statements. Signatures are deemed authentic and dates are deemed valid: please see the "Sworn Witness Statements" section below at page 10.

Disclosure

If a mock trial scenario includes evidence apart from witness testimony, all the evidence in the case must be disclosed and used at trial. Counsel must call all witnesses and lead all evidence.

Award Ceremonies

During this transition year, we will work with local organizing stakeholders in each region to determine how regional champions will be acknowledged and celebrated.

Expenses

As there are no anticipated expenses in Round #1 (local in-school competitions), any expenses incurred are the sole responsibility of the organizers. The OJEN project leader for the LDSSMT program will apply to the LFO/OJEN Mock Trial Fund (MTF) to support the costs of the regional competitions in 2015. Organizers should note that the funds available in the MTF are limited and designed to ensure all regions can meet the basic mandatory expenses of a mock trial. Local school boards might be approached for financial support by teachers if there are transportation or other costs associated with the program.

Law Day Re-Enactments

We hope teachers whose teams have participated in the OBA/OJEN LDSSMT program will re-enact the mock trial on Law Day (April 16, 2015) or during Law Week 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.

Timekeepers and Timekeeping Rules

Each team must provide one official timekeeper (an alternate team member may double in this role). Timekeepers from each team will sit together during the trial, within view of the opposing teams and presiding judges and keep time for each segment of the trial for both teams.

Any device with a stopwatch function may be used to keep time if permissible in the courtroom. The permissibility of cell phones and other mobile devices may vary depending on the court venue. Specific instructions regarding timekeeping devices will be issued to teams in each region once the court venues are confirmed.

At the end of each segment of the trial (e.g. an opening statement, witness examination, etc.), the two timekeepers must compare their timekeeping devices to ensure consistency between them; if there is a discrepancy, they must bring this to the judge's attention immediately. The judge's ruling on the correct time is final.

To ensure that timesheets are consistent between teams, all tournament coaches must download the official timesheets from the program website. Teams shall bring their official time sheets with them to all trials.

Teams will have a combined total of 10 minutes for chief examination of both of their witnesses and a combined total of 10 minutes to cross-examine the opposing team's two witnesses. Teams may divide the time amongst the witnesses as they see fit. Timekeepers will stop the clock for objections, questions from the judge and translation if applicable. Refer to the LDSSMT Time Chart and Time Stoppage Rules fact sheet below at page 15 for details.

When the timekeepers give the signal that time for a segment is up, participants may ask the judge for permission to conclude a question or statement, or that a witness be permitted to give an answer. At that point participants should be mindful that they are continuing with the judge's indulgence and should promptly conclude their remarks.

Motions

For the purposes of this mock trial, motions to dismiss the proceedings or exclude witnesses will not be allowed.

Objections

Students making objections will be expected to defend their argument. If the judge requests opposing counsel to respond they may do so. Objections, responses and explanations shall be made to the presiding judge only (not opposing counsel). Frivolous objections are discouraged and may reduce marks for performance. Traditional evidentiary objections (hearsay, leading, relevance etc.) are permissible as long as they do not interfere with a fulsome mock trial experience. The judge has the right to limit or forbid objections if they are being used in a manner that interferes with learning objectives. Objections will stop the clock.

Charter

Teams are to assume that there are no Charter issues arising from these facts; Charter issues shall not be raised at trial.

Sworn Witness Statements

Signatures at the bottom of any documents belong to the signatory; witnesses shall not testify otherwise (e.g. a witness cannot say, "that is not my signature"). These statements can be used in cross examination to impeach any statements made in chief that are inconsistent with the testimony or left out of the testimony.

The role of the witness is integral to the mock trial. Witnesses must learn their role and testify in accordance with their sworn witness statement. We encourage witnesses to be flexible, anticipate unexpected questions and "get into character", and have fun with their role. That said, witnesses must answer questions on the spirit of the facts and provide evidence which is consistent with their witness statement. Witnesses can extrapolate: they can expand on the facts but not contradict them. Evidence which is inconsistent or left out of the testimony may be penalized by the judge (see below) as this behaviour reflects negatively on the credibility of the witness and could affect the fair outcome of the trial (i.e. if the nature of the testimony creates an unfair situation for the other team).

Where counsel believes the witness is not testifying in accordance with the sworn witness statement, they should alert the judge by saying, "Your honour, the witness is not testifying in accordance with her/his sworn witness statement." They should then proceed to cross-examine the witness on the inconsistency or omission in relation to the sworn witness statement. This is known as impeachment of the witness. Students are not

expected to apply the rules of impeachment as impeaching a witness is challenging even for very experienced counsel. Depending on whether or not the impeachment is successful (i.e. if the judge accepts that the witness's testimony was inconsistent or omitted important facts), the judge may penalize the team by point deduction during his/her deliberations. Any such point deduction is strictly within the discretion of the judge.

LDSSMT Prohibitions

The following cannot be used:

- a. Case law/precedents (including the holdings from the Todd Bertuzzi case)
- b. No additional evidence that is not for demonstrative purposes only.
- c. No applicable law from outside of the mock trial package. That includes provisions dealing with self-defence.

Redirect/Re-examination

There is no right to redirect/re-examination. If a judge erroneously offers such a right, all teams shall decline.

Special Objection: Rule Violations

Any alleged rule violations should be noted by counsel but not brought up during the trial itself. Counsel alleging a rule violation shall alert the judge at the close of their summation that they wish to set out alleged rule violations by the other side with the judge's permission. Counsel should be brief in their explanation of their complaints. The judge will then consider these in their deliberations, decide whether or not to penalize a team accordingly and explain the decision on the alleged violations as part of his/her decision speech.

R v. MOOSE CASE SPECIFIC CLARIFICATIONS

References to Gender

The witnesses may be played by students of either gender. All references in the witness statements to a specific gender may be modified as the particular situation dictates. Any examination of a witness's gender (direct or cross) is not permitted. Teams shall not make submissions around gender to change or influence the spirit of the facts of the case. For example, a male witness playing Moose saying "I'm a guy...I don't hit girls...let alone hit girls on the ice" is not permitted, if the witness playing Baluzzo is female.

Case Location

Participants may replace “Yourtown” with the name of the city the mock trial is held in (e.g. Sudbury). Either the town name or “Yourtown” is acceptable and can be used interchangeably. This cannot be made an issue at trial.

FACT SHEET: COURT CLERK

The clerk helps the judge run the courtroom. The clerk will announce the opening of the court, recesses and adjournments and swear in witnesses. In *R v Moose*, the accused is assumed not to be in custody and therefore will not be escorted into the court by a court services officer.

The tournament host school (last year's winner in the region) is responsible for providing students to clerk. They should familiarize themselves with the basic trial script summary below:

Trial Script Summary

- i. Clerk escorts judge to bench and calls order; court clerk formally opens court.
- ii. Counsel stand to identify themselves (Crown followed by defence).
- iii. 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 and announces the winning team.
- xvii. Court is adjourned.

Specific duties of the Court Clerk

1. Announce the Opening of Court:

When all participants have taken their places, the Court Clerk will usher in the judge and announce: *"Order, all rise". Oyez, Oyez, Oyez, Anyone having business before the Queen's Justice of the Superior Court of Justice draw near and you shall be heard. Long live the Queen."*

2. Read the Information to the Accused:

After the Crown and Defence lawyers have identified themselves, you will stand up read the charges as they are set out in the information. This year's case has one charge. After reading out the charge you must ask the accused to enter a plea.

BERNIE MOOSE, you stand charged:

"That on or about the 22nd day of June 2014 s/he did in committing an assault on Toni Baluzzo causing bodily harm to her/him contrary to section 267(b) of the Criminal Code;

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 and the Court Clerk will be responsible for swearing all witnesses. In the interest of time, some judges may choose to skip the swearing in of witnesses and simply advise the witnesses to presume they are sworn in.

If the judge wants to have witnesses sworn in, say:

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

After the name is given, the oath is given one of two ways:

1- No religious text: "Do you promise to tell the truth as you know it concerning this matter?"

or

2- Bible is used: "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?"

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:

"All rise." Court will now adjourn (or recess) for 10 minutes"

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

"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:

"All rise. Court is adjourned"

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

FACT SHEET: LDSSMT TIME CHART AND TIME STOPPAGE RULES 2015

1. Call to order, read charge, enter plea, introduction of teams 2 - 3 min

2. Crown - opening statement 4 min

3. Crown Witnesses (2 witnesses)
(Both witnesses must be called by each side. The order that the witnesses are called is at each team's discretion).
 - direct examination W#1
 - cross-examination W#1
 - direct examination W#2
 - cross-examination W#2

Both teams will have a combined total of 10 minutes for direct examination of both of their witnesses and a combined total of 10 minutes to cross examine the opposing teams' two witnesses. Teams may divide the time amongst the witnesses as they see fit.

4. Defence- opening statement 4 min

5. Defence Witnesses (2 witnesses)
(Both witnesses must be called by each side. The order that the witnesses are called is at each team's discretion).
 - direct examination W#1
 - cross-examination W#1
 - direct examination W#2
 - cross-examination W#2

6. Summations (closing statements)

Defence	5 min
Crown	5 min

8. Judge – deliberation of verdict and team assessment (judge may recess) 10 - 12 min

9. Judge - delivery of verdict and team assessment

10 - 12 min

For the purposes of the LDSSMT program, there is no right of re-direct/re-examination. Should a judge offer it, counsel should decline by saying, "Your honour, thank you however the Guide prohibits re-direct/re-examination, so we must respectfully decline." It is all counsel's responsibility to advise the Court if the matter should arise.

Stoppage of Time

The following instances will require stopping the clock:

1. Objections: The clock shall stop when an objection is raised and remain stopped while the judge addresses it, including any further speaking by counsel for either side on the objection itself. The clock shall resume once the objection has been dealt with and regular proceedings carry on.
2. Judicial Interventions: The clock shall stop whenever the judge intervenes in the proceedings, and remain stopped while counsel respond directly to the judge's intervention, as necessary. The clock shall resume as soon as counsel resumes regular submissions.
3. Translation: In the event that translation is required (as teams may compete in either English or French), timekeepers will receive special instructions tailored to the translation facilities available (i.e. depending if translation is simultaneous or non-simultaneous)

FACT SHEET: OPTIONS FOR TEAM COMPOSITION

To give teams more flexibility and to widen participation, the rules on team composition allow students to switch between playing lawyers and witnesses when the team switches from Crown to defence.

An easy way to visualize this is to think of your mock trial team having two lineups: Crown and defence.

Each line-up consists of six jobs for lawyers:

- Opening statement
- Direct examination of your Witness #1
- Direct examination of your Witness #2
- Cross-examination of the other side's Witness #1
- Cross-examination of the other side's Witness #2
- Closing statement

Each lawyer will conduct one of the four examinations, and two of those lawyers will also deliver a statement: opening or closing. So, there is room for four lawyers on a line-up, and two witnesses for a total of six roles per lineup. You have to have a minimum of six students per team, but you can have up to eight. If you have more than six students your team, some team members will only play roles on one lineup.

Example Lineup #1

Let's say you have five students (Gordana, Wouter, Anna, Mila and Narcissa) who want to play lawyers and three who want to play witnesses (Amal, Zahid and Martin). Everyone can get a chance to do what they want. Your two lineups could look like this:

Crown		Defence	
Lawyer Jobs	Student Participant	Lawyer Jobs	Student Participant
Opening statement	Gordana	Opening statement	Narcissa
Direct examination of Crown Witness #1: Toni Baluzzo	Gordana	Cross-examination of Crown Witness #1: Toni Baluzzo	Narcissa
Direct examination of Crown Witness #2: Larry Crupke	Wouter	Cross-examination of Crown Witness #2: Larry Crupke	Wouter
Cross-examination of Defence Witness #1: Bernie Moose	Anna	Direct examination of Defence Witness #1: Bernie Moose	Anna
Cross-examination of Defence Witness #2: Glenn Hand	Mila	Direct examination of Defence Witness #2: Glenn Hand	Mila
Closing statement	Wouter	Closing statement	Mila
Witnesses	Student Participant	Witnesses	Student Participant
Toni Baluzzo	Amal	Bernie Moose	Martin
Larry Crupke	Zahid	Glenn Hand	Amal

In this example, Anna, Mila and Wouter play lawyers in both lineups. Narcissa and Gordana only play lawyers in one lineup and sit out one round. However, when they are in the lineup, they both do the opening statement as well as an examination to balance the fact that they only do one round.

Amal, Zahid and Martin wanted to play witnesses. With four witness roles to play in total between the two lineups, Amal plays two different witnesses while Zahir and Martin focus on one witness role.

Example Lineup #2

In this example, we'll use the same names but imagine we want to maximize each student's chance to be a lawyer at least once. That could look like this:

Students: Gordana, Wouter, Anna, Mila, Narcissa, Amal, Zahid and Martin

Crown		Defence	
<u>Lawyer Jobs</u>	<u>Student Participant</u>	<u>Lawyer Jobs</u>	<u>Student Participant</u>
Opening statement	Mila	Opening statement	Narcissa
Direct examination of Crown Witness #1: Toni Baluzzo	Gordana	Cross-examination of Crown Witness #1: Toni Baluzzo	Narcissa
Direct examination of Crown Witness #2: Larry Crupke	Wouter	Cross-examination of Crown Witness #2: Larry Crupke	Martin
Cross-examination of Defence Witness #1: Bernie Moose	Anna	Direct examination of Defence Witness #1: Bernie Moose	Zahid
Cross-examination of Defence Witness #2: Glenn Hand	Mila	Direct examination of Defence Witness #2: Glenn Hand	Amal
Closing statement	Anna	Closing statement	Martin
<u>Witnesses</u>	<u>Student Participant</u>	<u>Witnesses</u>	<u>Student Participant</u>
Toni Baluzzo	Amal	Bernie Moose	Wouter
Larry Crupke	Zahid	Glenn Hand	Gordana

Here, every student gets to play a lawyer. Narcissa, Anna, Martin and Mila only appear in one lineup, but do two lawyer jobs in that lineup, while the other four students do one lawyer job in two lineups.

Remember:

- Teams will always play Crown and defence once in the preliminary rounds
- Six students have to appear on each of your lineups
- Each team member has to play a part in at least one lineup
- There are four lawyers on a lineup. Each must do one examination, and two will do an examination *plus* the opening or closing statement

FREQUENTLY ASKED QUESTIONS 2015

Observers

Q. Is there a restriction on the number of observers, e.g. classmates, parents, etc., permitted?

Ans. There is no restriction, provided that the observers meet the "observers' rule". Each regional competition may need to restrict the number of observers due to space limitations in courthouses. For example, it is unlikely that space will be sufficient for an entire class of students to attend.

Observers Rule

Anyone related to a team (student, coach, parent, mentor, etc.) will only be allowed to observe their own team compete. Teams shall not observe other teams they may compete against. If a team does not advance in the competition, they may observe any other mock trial.

Coaching during the mock trial

Q. Are instances of coaching (verbally or via written note) allowed during the course of the trial?

Ans. No. Judges will be instructed to ask offenders to leave the courtroom. Judges may use their discretion to determine if the offence was egregious enough to warrant a penalty. The judge will decide what that penalty is. The judge is in charge of the courtroom. S/he may instruct anyone behaving in a matter disruptive to the proceedings to leave. Organizers will ask the presiding judge to make a statement at the opening of the trial reminding the court of this rule, however even if the judge fails to do so, the rule and penalties apply.

Questioning eligibility?

Q. If a team believes a student is participating on a mock trial team and does not meet the eligibility requirements, what should they do?

Ans. The coach should bring their concerns to the attention of the OJEN/local organizing committee who will enquire of the team teacher and make a ruling. The ruling may be changed if it is later found to have been inaccurately described. In that case the team may be disqualified from the tournament.

Inclusion of additional physical evidence

Q. Are we permitted to introduce our own physical evidence at trial (e.g. fake drugs) or use demonstrative evidence (i.e. map of the property)?

Ans. This year's case does not include physical evidence, and therefore students may not bring or introduce any evidence. In future years, as in past years where physical evidence was included with the case scenario, instructions on bring physical evidence to trial will be given to teams.

Questioning a judge

Q. If a judge is not aware of a rule, or has permitted something that the LDSSMT program prohibits how shall we proceed?

Ans. Counsel should respond "Your honour, that is outside the scope of this competition." If the judge decides to proceed, teams must accept that the judge is the ultimate decision maker in the courthouse.

Gowns

Q. Can counsel wear gowns if they have a set?

Ans. We only allow gowning if both schools get to gown and only as counsel. Otherwise, students should wear business or business casual dress.

Case law/precedents

Q. Why can't we cite case law?

Ans. This is an experiential mock trial program. While case law can be used to prepare and understand how the law is applied, it cannot be during the trial to ensure fairness for all participating schools. The students should be arguing the case by using only the materials provided to all schools by the OJEN/OBA.

Cameras, cell phones, etc.

Q. Will cameras be allowed in court for proceedings or for picture-taking afterward?

Ans. This will differ based on the courthouse location and agreement with courthouse staff. Specific instructions will be given to participants in each region before the final rounds, including for the use of cell phones as cameras, timing devices, etc.

¹Law Society of Upper Canada Rules of Professional Conduct, <http://www.lsuc.on.ca/lawyer-conduct-rules/>

APPENDIX: REVISIONS – MARCH 5, 2015

- Page 6: Provincial registration deadline removed.
Reason: No longer accurate. Deadlines now specific to each region and available on program website.
- Page 7: “Team Composition” section amended.
Reason: To better explain rules and options.
- Page 8 (page 7 in previous edition): “Roles” section replaced by “Determining Crown and Defence Side at Trial”.
Reason: To clarify rules and specify that teams will play each Crown and defence once in preliminary rounds.
- Page 18: “Fact Sheet: Options for Team Composition” added.
Reason: To further clarify and explain rules outlined in new “Team Composition” section above, at page 7.
- Page 20 (Page 18 in previous edition): Updates to “Observers” and “Inclusion of additional physical evidence” in “Frequently Asked Questions 2015”
Reason: To better answer questions with regard to this year’s tournament