



OJEN • ROEJ

ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE

Making the Case



Mock Hearing Toolkit

Ideas for student bail hearings, trials, sentencing, sentencing circles and appeals

Another Courtrooms & Classrooms Resource

Welcome from former Chief Justice R. Roy McMurtry

As the founding Chair of the Ontario Justice Education Network, I would like to welcome you to OJEN and to this handbook on delivering mock hearings in your community.

The breadth of justice education taking place across the province is making a significant impact on the public understanding of our justice system and its fundamental role in our democracy. I believe that young people who have positive interactions with the justice system benefit personally and academically from their increased understanding and from the direct contact with justice sector professionals. I am pleased to see the growth of mock trials over the course of the last five years. Mock trials are one of the ways that Ontario young people can develop their knowledge and skills while contributing to the dialogue about our civil society.



Warmest best wishes,

The Honourable R. Roy McMurtry
Former Chief Justice of Ontario

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RUNNING A MOCK HEARING

Who is this toolkit for?

This OJEN Mock Hearings Toolkit has been developed to provide ideas and assistance to teachers or justice sector representatives thinking of coordinating a mock hearing for Ontario students.

Throughout this resource, OJEN refers inclusively to all of the people and positions that make up the justice system as ‘the justice sector’, including judges, justices of the peace, assistant crown attorneys, duty counsel, defence and civil lawyers, police, court staff, trial coordinators, court managers, judicial secretaries, probations staff, diversion staff, court security personnel, law librarians, and others.

All resources featured in the toolkit have been developed with the help of justice sector representatives and educators from across the province. There are many fact situations, detailed scenarios and mock hearing resources available at OJEN’s website (www.ojen.ca) and other justice education websites.

This toolkit compliments the resources available on OJEN’s website. New resources and program news are regularly posted at www.ojen.ca in both English and French. All OJEN resources are available at no cost to teachers.

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What is a mock hearing?

A student mock hearing is a simulation of a real court or administrative hearing, with students playing the roles of lawyers, witnesses, accused, court staff and in some cases the judge. Fact scenarios can include civil or criminal disputes. During mock hearings, students reenact every step of a real hearing. Depending on the type of hearing this may include; opening the case, examining witnesses, presenting legal arguments, making and responding to objections, making sentencing submissions, mediating, negotiating with opposing counsel, and receiving a judgment.

Why hold a mock hearing for students?

Mock hearings are a great way to bring the law to life for students. Participants develop their advocacy, public speaking, organization, research, and reasoning skills. They work as members of a team, developing a theory of a case, and making sure all elements of their case are presented harmoniously. Individually, either as a lawyer presenting arguments or leading evidence, or as a witness giving evidence, they develop personal confidence and self-esteem. And student participants learn to think on their feet!

Through mock bail hearings, mock trials, mock sentencings, mock sentencing circles and mock appeals, students experience many different aspects of the justice system and consider different legal and procedural issues. Mock trials enable a student to be part of the adjudication process and learn the fundamentals of courtroom etiquette, the order of a trial, and the rules of evidence. Mock sentencings allow students to consider different aspects of offences, and the rationales behind sentencing offenders. Mock bail hearings involve students in balancing the



rights of the accused against the safety of the public prior to a trial. Participating in a sentencing circle demonstrates the role of the community and the victim in rehabilitation efforts and also highlights aboriginal perspectives of justice. Appeals engage students in crafting legal arguments, and include researching legal precedents and drafting facts.

When justice sector representatives get involved, students also benefit from positive interactions with members of the legal profession. The opportunity to discuss different aspects of the judicial process deepens students' understanding and provides positive role modeling and career information. Active engagement with the justice system benefits students' academic progress and establishes a foundation for a lifelong understanding of their role in our democracy.

Where do mock hearings take place? ---

Mock hearings can take place in real courtrooms or in classrooms. Defence counsel, crown attorneys, court clerks and police constables often coach students on their particular roles. Judges and justices of the peace enjoy presiding over mock hearings and offering feedback to students.

Who can participate in a mock hearing? ---

Any size group, including individual school classes, schools, teachers, school boards, community agencies, or committees of justice sector representatives can develop and participate in mock hearings.

Many law teachers have introduced mock trials as an activity in their **Law 11** or **Law 12** classes. Some of these students then participate in the provincial competition held by the Ontario Bar Association each year (see www.lawdayontario.ca for more information). However, mock hearings are also appropriate for **Civics 10** classes, as well as **English**, **Media Studies** and **History** classes. Some teachers invite drama students to develop reenactments of the offence (keeping in mind that there may be a number of very different versions of what happened). Media Studies classes can report on the mock hearing, examining issues of ethics in legal journalism. Many of the scenarios referred to in this toolkit do not require research of case law or extensive preparation, allowing students to focus on developing an understanding of the justice system and public speaking skills. While many mock hearing scenarios are designed for secondary school aged students, there are also scenarios available for **elementary grades**.

Many trial scenarios are created for eight lawyers and four witnesses, but they can proceed with as few as two lawyers and four witnesses. Other roles include the judge, court clerk, court security officer, court artist, and jury. In some cases, real judges or lawyers can play the role of the judge, and students can take on the role of the jury. When working with a large group, two or more juries can deliberate and compare their reasoning and verdicts. The flexibility of roles allows a mock hearing to involve a whole class or be an enrichment activity for a small group.

When can mock hearings occur? ---

Mock trials and sentencings can happen at any time within the school schedule. Preparation and the event itself can take a number of weeks, depending on whether the activity is a multi-school tournament or occurring over one or two classroom sessions. Participants sometimes prepare for the event during school classes, or in evening or lunchtime sessions. If a school would like to enter the provincial competition, it is critical to investigate the dates of the regional finals in each area and the registration dates for the Ontario Bar Association event well in advance.



How do mock hearings fit within curriculum?

Mock hearings can be linked to the elementary and secondary school curriculum in a number of ways. A few examples include:

- **Aspects of Government in Canada (Grade 5)** – students increase their understanding of the rights of Canadians and the *Charter* through participation in a criminal mock trial
- **Aboriginal Peoples (Grade 6)** – students demonstrate an understanding of the social, political, and economic issues facing Aboriginal peoples in Canada today through participating in a mock sentencing circle
- **Healthy Living (Grade 8)** – students increase understanding of the impact of violence on victims and communities through participation in a mock sentencing hearing
- **Healthy Active Living Education (Grade 9)** – students demonstrate an understanding of personal values that can lead to conflict by participating in a civil mock trial or a mock bail hearing
- **Civics (Grade 10)** – participation in a mock hearing (bail, civil, criminal or sentencing) allows students to engage in the civic affairs of the community while contrasting methods of resolving disputes, meeting the expectations of the *Active Citizenship* and *Purposive Citizenship* strands
- **Career Studies (Grade 10)** – students increase understanding of careers in the justice system by learning about or taking on the roles of clerks, probation officers and court security officers, etc.
- **Understanding Canadian Law (Grade 11)** – mock hearings address many of the strands or major topic areas in this course, including: rights and freedoms, criminal law and procedure, regulation and dispute resolution, and methods of legal inquiry. Participation in mock hearings will increase students' understanding of legal processes, legal institutions, and methods involved in bringing a criminal or civil case to trial while also building advocacy skills through experiential learning.
- **History (Grades 11 & 12)** – students gain an understanding of the development of the common law system and modern democratic institutions through participation in mock hearings. Mock hearings also provide opportunities for students to reenact significant cases from the past (for example, the *Persons Case* of 1929).
- **English (Grades 11 & 12)** – preparation for mock hearings provides students with opportunities to improve their understanding of the relationships between facts, ideas and concepts. Students practice critical thinking and analysis in drafting their arguments, and develop public speaking and communications skills and inquiry techniques through participation in hearings. Complementary activities can address issues of editorial and impartial journalism.
- **Canadian and International Law (Grade 12)** – mock hearings address many of the strands or major topic areas in this course, including: heritage, rights and freedoms, criminal law and procedures, regulation and dispute resolution, and methods of legal inquiry and communication. Mock hearings provide ample opportunities for students to creatively explore the relationship between law and societal values, the roles of the legislature and the judiciary in interpreting and enforcing *Charter* rights in Canada, and address legal issues using a variety of forms of communication.

Evaluation and Assessment

The section on evaluation provides some ideas for assessment tools for a mock hearing, either as a culminating activity, or on a smaller scale within the classroom. These are designed to be adapted to the style of the teacher and the needs of the students.



Getting Started...

- This toolkit will assist you to plan the scope of your mock hearing
- Several scenarios are listed in Section 3 of this toolkit and posted on the OJEN website at www.ojen.ca. Each year, the Ontario Bar Association creates a scenario for its provincial tournament. These scenarios are available at www.lawdayontario.ca. This toolkit has information to help you select a type of hearing and a scenario to use.
- Use the description of roles required in this toolkit to identify participants (students and volunteers)



Youth participating in a mock criminal trial in Toronto step into their roles as a court clerk and trial witness.



ORGANIZING A MOCK HEARING

Competitive, Non-Competitive, and Demonstration Events: Choosing the Right Type of Event for Your Students

Mock hearings can be presented as simple in-class participation exercises or as larger competitive events. Competitive events conclude with a verdict and/or sentence being delivered, and a winning team selected on the basis of performance (often the winning team is not the team who received the favourable outcome in the hearing). Individuals can also be acknowledged for their particular skills, such as 'Best Advocate', 'Best Cross-Examination', or 'Best Witness'.

The Ontario Bar Association (OBA) Law Day Provincial Secondary School Mock Trial Competition is one example of a competitive event. The competition takes place each year as part of Law Day celebrations in April. Students are given a scenario that outlines an alleged criminal offence, and act out the roles of crown attorneys, defence lawyers, witnesses and the accused. Participants learn about the *Criminal Code*, the rules of evidence and the *Charter of Rights and Freedoms*. Students are judged on their abilities to follow the rules and protocol of the court as well as present their case. Local lawyers volunteer as advisors and judges during rounds one and two of the tournament process. Regional winners participate in a semi-final round (held at the Superior Court of Justice in Toronto during Law Week), followed by the finals, in which the two winning teams go head-to-head for the championship. Dressed in the traditional gowns of the profession, the students present their respective cases before a panel of judges from the Ontario Court Justice and the Superior Court of Justice. Trophies and prizes are awarded to winners and runners-up as well as to their respective schools at the Law Day banquet. (For more information, visit: www.lawdayontario.ca).

Non-competitive mock hearing activities emphasize the experiential learning and skill development aspects involved in preparing for and participating in a mock hearing event. Students participating in non-competitive events will benefit from the experience of presenting their legal arguments to student colleagues and members of the justice sector. Non-competitive mock hearings also provide opportunities to focus on the less adversarial aspects of the justice system, perhaps providing students with exposure to administrative tribunal practices, mediation, negotiation, settlement conferences and other alternative dispute resolution techniques.

Mock hearings can also be presented as demonstration events, with teachers, selected students or justice sector volunteers acting out each of the roles. A question and answer period after the demonstration allows students to ask questions about what they have seen. Demonstration events will take considerably less time to prepare and have a strong educational component, but do not provide the same experiential learning opportunities as mock hearings.



Examples of Mock Hearing Tournaments

Many mock hearing events take place each year across Ontario. Here are some examples of different programs:

Peel Mock Bail Tournament

An annual program launched in 2005, the Peel Mock Bail Tournament was developed by justices of the peace. Supported by local OJEN volunteers, the program brings grade 11 Law students to the Brampton courthouse to make submissions and lead and cross-examine witnesses. Students take the roles of crown or defence, and witnesses. The 2005 program had four participant teams. 2006 saw that number increase to six, and a goal of 12 teams has been set for 2007. This program complements Peel's large annual mock trial tournament.

Simcoe Muskoka Mock Trial Tournament

The Simcoe Muskoka Mock Trial Tournament has been running for 17 years. The event was developed by teachers working with local justice sector volunteers, including defence counsel, assistant crown attorneys, judges, and court staff. Organized by the local OJEN Committee, the event enjoys considerable support from the local justice sector community, with over sixty defence counsel, assistant crown attorneys, judges and court staff participating in 2006. Simcoe Muskoka has developed a unique marking system where a judge presides over the actual trial and renders a verdict, but juries comprising teachers, justice sector representatives, and other community members judge the student teams' performances and select the winning team.



Student lawyers confer as a witness prepares to take the stand at a mock trial.

Sudbury Mock Trial Tournament

The Sudbury Mock Trial Tournament, coordinated each year by the Sudbury OJEN Committee, includes student teams participating in both French and English language trials. Some trials are also bilingual, and feature simultaneous translation. Student teams come from as far as Manitoulin Island.

The Canadian Italian Advocates Organization (CIAO) Mock Trial

The Canadian Italian Advocates Organization, an association of lawyers of Italian descent, organizes and conducts an annual mock trial at Old City Hall Courthouse in Toronto. Students participate as jurors and witnesses and get to consider the role of the police, prosecution, defence counsel, judge and jury in a criminal trial first-hand.

Ontario Bar Association Law Day Provincial Secondary School Mock Trial Competition

The Ontario Bar Association (OBA) hosts a province-wide mock trial competition. Students get to act out the roles



of crown attorney, defence counsel, witnesses and accused. Preliminary rounds take place in individual regions, and final rounds of the tournament take place in Toronto during Law Day each year. The annual fact scenario, tournament guidelines, rules, FAQs and timelines for enrollment are posted on the OBA website at www.lawdayontario.ca. Note that participation in a city or regional competition does not automatically qualify a team for this provincial event. All teams **must also register** with the OBA.

Ottawa Bilingual Mock Trial Demonstration

Presented in conjunction with annual Law Day celebrations, the Ottawa region mock trial demonstration event includes trials in both French and English, and features a reenactment of the offence performed by secondary school drama students.

Kitchener/Waterloo Demonstration Mock Trial

Established in 2006, this mock trial is a demonstration event held in the Kitchener courthouse, and targets secondary schools in the Waterloo and Cambridge areas. Teachers, students, and members of the public are encouraged to attend. During the program, real lawyers, police officers, court staff, and judges conduct a mock criminal jury trial. Students participate as witnesses and jury members. A question and answer period follows the trial, with members of the bar and the judiciary answering students' questions about the trial process and justice system in general.



A winning team receives the Hennessy Cup from Justice Patricia Hennessy at the Sudbury Mock Trial Tournament.

Manitoulin Sentencing Symposium

Developed in 2006, this two-day sentencing event was spearheaded by Justice Patricia Hennessy of the Sudbury Superior Court of Justice, supported by the local OJEN Committee. Forty students from Manitoulin Secondary School, a public school located on the M'Chigeeng First Nation, enjoyed a panel presentation that included a judge, assistant crown attorneys, defence counsel, probation officer, and victim services representative. The panel addressed different aspects of the sentencing process. Day two of the event had students participate in a mock sentencing in the Gore Bay courthouse. The scenarios used depicted situations that students could relate to their own lives. Students delivered their submissions to a panel of three students sitting as judges.

St Michael's College School Moot Appeal Tournament

Developed by teachers for their law classes at this Toronto school, this mock appeal program is presided over by Superior Court judges. A local law firm provides lawyer program coordinators and coaches for participating students.

The Charter Challenge

The Charter Challenge is an annual program that aims to increase students' understanding of the Canadian *Charter of Rights and Freedoms* through a mock appeal exercise. Students are provided with a scenario, and develop legal arguments and facts with the assistance of lawyer mentors. The two finalist teams link by videoconference to present their submissions to a panel of Ontario Court of Appeal judges during Law Day celebrations. Information and timelines are available on the OJEN website.



Project Guides

There are many ways of setting up a mock hearing event. The event you chose will depend on the desired learning goals, available resources (particularly time, venue, and volunteer assistance), particular interests of the students, and expertise of justice sector representatives and volunteers. Whether or not participating students will progress to a regional competitive event is another important consideration when designing your mock hearing activity.

The number of participants will also vary depending on whether you want to run a mock hearing with one class, a number of classes from your school, or an inter-school board tournament, or tournament combined with a symposium about the type of hearing students are preparing for. You could also plan for a tournament that begins with a keynote address on a particular aspect of trial advocacy delivered by an expert litigator. Another alternative is a half-day sentencing event where instead of preparing complete mock sentencings, students are given a statement of facts and information about the offender, and then work with justice sector representatives to prepare and deliver short sentencing submissions. Some classes may prefer to focus on legal argument skills by participating in an appeal activity.

Whichever format you choose, many of the organizational details will be similar. Below you will find two logistical guides that are designed for a mock trial tournament and a sentencing symposium and mock sentencing event, respectively. The planning models, logistical considerations, and participant options profiled in these guides can be adapted to any of your mock hearing events.



Lawyer coaches show their confidence in their students' abilities prior to a mock trial.



Mock Trial Tournament Project Guide

Description

Mock trials are simulated court trials. During a mock trial, student teams take on the roles of crown and defence counsel, and present evidence and make legal submissions. Students attempt to convince an impartial judge or jury that their position is the most reasonable version of the events. A verdict or decision is delivered at the end of the trial. Trials can be based on either criminal or civil scenarios. In a tournament with numerous rounds, the top performing teams of each round proceed to subsequent rounds until the two remaining teams play off in a final.

Target Audience

Secondary school Law and Civics students

Planning Steps

1. **Set up a planning committee.** Members could include judges, lawyers, court staff, educators, students, and school board officials.
2. **Establish a budget.** Determine if attendees will pay a nominal amount to participate and what sort of contributions organizations such as judicial or legal associations, corporate sponsors or others might be willing to make. Determine whether a local establishment may be willing to donate refreshments.
3. **Assign responsibility for logistics.** These may include communications with, and registration of attendees, communications with sponsors, press releases to local media and school yearbook coordinators, creation and distribution of material/information packages, catering, photography, and transportation.
4. **Arrange a venue.** This could be a classroom set up to resemble a courtroom or courtrooms in a local courthouse or a law school moot court.
5. **Set a date and timetable for the mock trial.** Consult with teachers, school boards, and justice sector representatives when setting the date and timetable. Set timelines for entry, and choose a mock trial scenario. If organizers want the tournament to feed into the Ontario Bar Association (OBA) Law Day competition, use the scenario available at www.lawdayontario.ca, as students will then be prepared for progression into the OBA regional level tournament. Pay attention to the registration process and dates. The website can also provide guidelines which can be adapted to your event's needs.
6. **Establish rules and competition format.** Student teams need to be informed about expectations for their participation in the tournament. Determine and inform teams about the rules for witness testimony, and the amount of time available to students for opening statements, examinations-in-chief, cross-examinations and closing statements. If participating in a multi-class or multi-school tournament, ensure students are aware that they will need to prepare and possibly argue both sides (crown and defence, or plaintiff and defendant) of the case.
7. **Develop an evaluation strategy.** There are a variety of approaches to marking mock trials: a mock trial judge or collaborative teams (i.e., lawyers, crowns and court personnel) could do the marking. Its important to develop a marking guide and consistent standards in advance, as students will want to know how they will be assessed. Teams planning to go to the OBA regional tournaments may wish to refer to the OBA for its marking structure. Evaluation rubrics are included in this resource.
8. **Recruit justice sector volunteers.** Volunteers such as judges, justices of the peace, court staff, court



clerks and others can serve as mock trial judges and markers, and can be assigned to teams as coaches and mentors. Court clerks can train students to perform the court clerk role. Police officers can coach students on how to lead and cross-examine police testimony. Justice sector volunteers are also available to address trial participants at an opening or closing ceremony.

9. **Promote the mock trial event.** Circulate notice of the tournament as soon as possible to aid in school scheduling. Circulate to eligible schools through teachers, department heads and school board communication avenues.
10. **Finalize enrollment.** Ensure you have email contacts for every teacher and justice sector volunteer, and the names of every participating student.
11. **Develop and distribute an information package.** This package can go to enrolled schools, and include the case scenario, rules and logistical details, and provide the names and contact details of the justice sector volunteers assigned as team coaches.
12. **Obtain student media consent.** Ensure participating students have signed and returned a media consent and release form allowing photos of the event to be published. This consent is important if photos are to be used in yearbooks, newsletters and newspapers.
13. **Develop a program for the event.** Schedule time for welcome addresses from local justice sector representatives, award ceremonies, and refreshment and networking breaks. Invite parents and the media where appropriate.
14. **Organize day of event details.** These may include signage, counsel slips, programs, student and teacher nametags, a board to post the trial schedule, photography, student helpers, and assigning of individuals to introduce and thank speakers, conduct registration, and distribute materials. Arrange for students to borrow court robes from local lawyers and court staff.
15. **Arrange certificates and/or awards.** Consider participation certificates for students, schools, teachers and coaches. Sponsors may be interested in donating items such as law resources as awards. OJEN can provide certificates for participants.
16. **Ask participants for their evaluation.** Have on-site drop boxes for completed evaluation forms. Use the collated evaluations in planning future events.
17. **Submit an OJEN Mock Trial Report Form** – located at www.ojen.ca. Include photos of your event for profiling on the OJEN website and in our newsletter.

Volunteer Roles

- **Organizers**

Who: Organizing committee members could include judges, lawyers, court staff, educators, students, and school board officials.

Role: Organization and promotion of event.

Time required: Depending on the number of people involved, organizers typically begin planning 3-4 months in advance, meeting once a month. Organizers will also be busy on the day of the event.
- **Opening & Closing Speakers**

Who: School Board representatives, members of local judiciary, prominent community figures.

Role: Deliver an opening/closing address to students about the importance of the justice system, and the role mock trials play in teaching students about the justice system. Also, congratulate students for their participation and volunteers for their involvement.

Time required: one hour



- **Coaches**

Who: Assistant crown attorneys and defence counsel, or civil lawyers.

Role: This role can include assisting students to determine the theory of the case, develop opening statements, prepare examination-in-chief and cross-examination questions and closing statements, and preparing students on courtroom etiquette. Students will have questions about making and responding to objections and general advocacy skills. Coaches should work with teachers to promote student participation.

Time required: Usually two hours per week for four weeks.

- **Teacher Coaches**

Who: Law or Civics teachers.

Role: Select and coach student mock trial teams, possibly in collaboration with lawyer coaches. Teachers also assist with scheduling and school relations.

Time required: will depend on ambit of role.

- **Tournament Judges**

Who: Judges, justices of the peace, lawyers or law students

Role: Preside over trials, take notes on students' performances and skills, decide on a verdict, select a winning team (if a competitive event), and provide constructive feedback to both teams.

Time required: Trials take approximately one hour to argue. Tournament judges may choose to take extra time to give feedback or participate in an awards ceremony.

Materials or Supplies

- Mock trial scenario, with copies for all participants
 - Venue
 - Court robes for student lawyers to wear (if desired). These can often be borrowed from local lawyers and/or court staff.
 - Signage, programs, counsel slips, trial schedules, marking strategy etc.
 - Certificates or awards for participation and/or placing in the tournament
 - Refreshments (if desired)
 - Consider justice education packages for participating teachers (available from OJEN)
-

Financial Costs

- Photocopying and signage
 - Awards
 - Refreshments
 - Transportation / buses
-

Timeline

- Begin planning, book courtroom, and contact schools at least four months in advance
 - Coaching sessions usually begin six weeks before the event
 - In the month prior to the event, logistics can be finalized
-



Volunteer Recognition Ideas

- Thank you letters from organizing committee and members of the judiciary who participated as volunteers
 - Consider a photo of the event as gifts for volunteers
 - Provide volunteers' names and mailing address to OJEN to ensure they receive provincial recognition
-

Strategies for Evaluation of the Event

- Follow up individually with each teacher regarding the educational and logistical aspects
 - Use the OJEN Teacher Feedback Form – www.ojen.ca
 - Use the OJEN Student Feedback Form – www.ojen.ca
 - Hold an organizing committee debriefing meeting
 - Contact volunteers, court staff, coaches and judges to solicit suggestions for next year
 - Submit an OJEN Mock Trial Report Form – www.ojen.ca. Include photos of your event.
-



Justice of the Peace speaking with students participating in a mock bail hearing in Brampton.



Sentencing Symposium & Mock Sentencing Tournament Project Guide

Description

This combined event allows students and justice sector representatives to first participate in a symposium about the sentencing process, then progress to a mock sentencing tournament.

Sentencing symposium sessions could include topics on the factors influencing sentences (including punishment, rehabilitation, deterrence, restitution, and denunciation), the ways in which judges determine sentences, the information that is presented to the judge about the offence and the offender, restorative justice concepts and models, and sentencing issues for youth and Aboriginal offenders.

Mock sentencings are simulated sentencing hearings. In each hearing, student teams take on the roles of crown and defence counsel, and present evidence and make legal submissions. Students attempt to convince an impartial judge about an appropriate sentence for the offender. A sentence is delivered at the end of the hearing. In a tournament with numerous rounds, the top performing teams of each round proceed to subsequent rounds until the two remaining teams play off in a final.

Target Audience

Secondary school Law and Civics students

Planning Steps

1. **Set up a planning committee.** Members can include judges, lawyers, court staff, educators, students, and school board officials.
2. **Establish a budget.** Determine if attendees will pay a nominal amount to participate and what sort of contributions organizations such as judicial or legal associations, corporate sponsors or others might be willing to make. Determine whether a local establishment may be willing to donate refreshments.
3. **Determine participants.** Decide who will be invited and the number of students and teachers expected to attend.
4. **Draft an ideal agenda.** Incorporate engaging speakers who can present a range of views on the sentencing process (lawyers, judges, law professors, legal aid representatives, court personnel, etc.)
5. **Assign responsibility for logistics.** These may include communication with and registration of attendees, communication with sponsors, circulating press releases to local media and school yearbook coordinators, creation and distribution of material/information packages, catering, photography, and transportation.
6. **Arrange a venue.** The venue should have a large space for all attendees to listen to the keynote addresses, as well as a cafeteria and “breakout rooms” for small group workshops. For the mock trial component, consider a classroom set up to resemble a courtroom, courtrooms in a local courthouse, or a law school moot court.
7. **‘Book’ speakers.** Make use of the contacts of the planning committee to approach and ‘book’ speakers. OJEN staff may also be able to facilitate connections to speakers.
8. **Set a date, timetable and rules for the mock sentencing.** Consult with teachers, school boards, and justice sector representatives when setting the date and timetable. Set timelines for entry, and choose a mock sentencing scenario.



9. **Establish rules and competition format.** Student teams need to be informed about expectations for their participation. Determine and inform teams about the amount of time available to students for sentencing submissions. If participating in a multi-class or multi-school tournament, ensure students are aware that they will need to prepare and possibly present sentencing submissions on behalf of both the crown and defence.
10. **Develop a marking strategy.** There are a variety of approaches to marking mock sentencings: a mock sentencing judge or collaborative teams (i.e., lawyers, crowns and court personnel) can do the marking. Its important to develop a marking guide and consistent standards in advance, as students will want to know how they will be assessed.
11. **Recruit justice sector volunteers.** Volunteers such as judges, justices of the peace, court staff, court clerks and others can serve as mock sentencing judges and markers, and be assigned to teams as coaches and mentors. Court clerks can train students to perform the court clerk role.
12. **Promote the event.** Circulate notice of the event as soon as possible to aid in school scheduling. Circulate to eligible schools through teachers, department heads and school board communication avenues.
13. **Finalize enrollment.** Ensure you have email contacts for every teacher and justice sector volunteer, and the names of every participating student.
14. **Develop and distribute an information package.** This package can go to enrolled schools, and include the case scenario, the sentencing provisions of the *Criminal Code* and the *Youth Criminal Justice Act*, rules and logistical details, and provide the names and contact details of the justice sector volunteers assigned as team coaches.
15. **Obtain student media consent.** Ensure participating students have signed and returned a media consent and release form allowing photos of the event to be published. This consent is important if photos are to be used in yearbooks, newsletters and newspapers.
16. **Develop a program for the event.** Schedule time for welcome addresses from local justice sector representatives, award ceremonies, and refreshment and networking breaks. Invite parents and the media where appropriate.
17. **Organize day of event details.** These may include signage, counsel slips, programs, student and teacher nametags, a board to post the trial schedules, photography, student helpers, and assigning of individuals to introduce and thank speakers, conduct registration, and distribute materials. Arrange for students to borrow court robes from local lawyers and court staff.
18. **Arrange certificates and/or awards.** Consider participation certificates for students, schools, teachers and coaches. Sponsors may be interested in donating items such as law resources as awards. OJEN can provide certificates for participants.
19. **Ask participants for their evaluation.** Have on-site drop boxes for completed evaluation forms. Use the collated evaluations in planning future events.
20. **Submit a report on the event to OJEN.** Include photos of the event for profiling on OJEN's website and newsletter.

Volunteer Roles

Organizers

Who: Organizing committee members can include judges, lawyers, court staff, educators, students, and school board officials.

Role: Organization and promotion of event.

Time required: Depending on the number of people involved, organizers typically begin planning 3-4 months in advance, meeting once a month. Organizers will be busier on the day of the event.



- **Speakers**

Who: Selection of speakers will depend on the theme of the symposium, but could include lawyers, judges, justices of the peace, law professors, legal aid representatives, police personnel, crime reporters, forensic experts, court personnel, law or criminology students, and community leaders.

Role: Speaking to symposium participants about the sentencing process and the role of sentencing within the justice system. Speakers may address specific topics surrounding sentencing (for example, the history and evolution of sentencing provisions for young persons, or the role of the community in restorative justice sentencing approaches).

Time required: one hour

- **Coaches**

Who: Assistant crown attorneys and defence counsel (may include some of the symposium speakers)

Role: This role can include assisting students to determine an appropriate sentence and develop sentencing submissions, prepare examination-in-chief and cross-examination questions, and preparing students on courtroom etiquette. Students will have questions about making and responding to objections and general advocacy skills. Coaches should work with teachers to promote student participation.

Time required: Usually two hours per week for four weeks.

- **Teacher Coaches**

Who: Law or Civics teachers.

Role: Select and coach student mock sentencing teams, possibly in collaboration with lawyer coaches. Teachers also assist with scheduling and school relations.

Time required: will depend on ambit of role.

- **Sentencing Judges**

Who: Judges, justices of the peace, lawyers or law students

Role: Preside over hearings, take notes on students' performances and skills, deliver a sentence, select a winning team (if a competitive event), and provide constructive feedback to both teams.

Time required: Sentencings take approximately one hour to argue. Tournament judges may choose to take extra time to give feedback or participate in an awards ceremony.

Materials or Supplies

- Sentencing scenario and background material on sentencing, with copies for all participants
- Venue
- Court robes for student lawyers to wear (if desired). These can often be borrowed from local lawyers and/or court staff.
- Signage, programs, counsel slips, sentencing schedules, marking strategy etc.
- Certificates or awards for participation and/or placing in the tournament
- Refreshments (if desired)
- Consider justice education packages for participating teachers (available from OJEN)
- Audio/visual equipment



Financial Costs

- Photocopying and signage
 - Awards
 - Refreshments
 - Transportation / buses
-

Timeline

- Begin planning, book venue/courtroom, and contact schools at least four months in advance
 - Coaching sessions usually begin six weeks before event (if desired)
 - In the month prior to the event, logistics can be finalized
-

Volunteer Recognition Ideas

- Thank you letters from organizing committee and members of the judiciary who participated as volunteers
 - Consider a photo of the event as gifts for volunteers
 - Provide volunteers' names and mailing address to OJEN to ensure they receive provincial recognition
-

Strategies for Evaluation of the Event

- Follow up individually with each teacher regarding the educational and logistical aspects
 - Use the OJEN Teacher Feedback Form – www.ojen.ca
 - Use the OJEN Student Feedback Form – www.ojen.ca
 - Hold an organizing committee debriefing meeting
 - Contact volunteers, court staff, coaches and judges to solicit suggestions for next year
 - Submit an OJEN Mock Trial Report Form – www.ojen.ca. Include photos of your event.
-





Marking Strategies & Evaluation Templates

Mock hearings provide students with participatory and experiential learning opportunities. Preparation for mock hearings require students to work cooperatively in small groups and produce legal arguments, statements or lines of questioning. Participation in mock hearings require students to conduct oral presentations or interview witnesses.

There are many possibilities for incorporating mock hearing activities into curriculum and student evaluation. Mock hearings can be used to assess students' understanding, analysis and interpretation of course content and their ability to communicate this knowledge effectively. The following are some examples of curriculum expectations that can be addressed through mock hearings:

- understanding the meaning of texts
- using information and ideas from texts to support opinions
- demonstrating critical thinking skills
- investigating historical topics and issues
- researching, recording, and organizing information
- developing a clear focus for investigations by formulating and asking appropriate questions
- identifying different viewpoints and biases
- public speaking: communicating effectively; expressing ideas, opinions and conclusions clearly and articulately
- working collaboratively to achieve group goals
- developing writing skills in argumentative or editorial styles

Teachers can decide whether they would like to evaluate students on the basis of their performance as a group, or individually. Some teachers have required student teams to submit written summaries of their theory of the case, prior to the trial. Individual students may also be required to submit drafts of their opening or closing statements, or questions for examinations of witnesses. On the day of the hearing, students may be assessed on the basis of their performance during the hearing itself. Some of the mock hearing roles lend themselves to written reflections on the course of the trial or the experience of the student in the role of a juror or witness.

The following are some examples of assessment models, a marking scheme, performance sheet, evaluation rubric and performance-rating table that may be used when evaluating mock hearings.





Assessment Options for a Full-Class Mock Hearing

One possible configuration of student roles to involve up to 30 students in a classroom based mock hearing includes a written assignment appropriate to each role, and similar in length and scope to each of the other roles. Using this model, a teacher could involve a full class in the preparation, presentation and follow-up of a mock hearing.

Role	No. of Roles	Assignment
Lawyers for the Defence/ Plaintiff	4	Arguments and Script for Direct and Cross Examination
Lawyers for the Crown/ Respondent	4	Arguments and Script for Direct and Cross Examination
Witness	2	Reflection on the reliability of recollections and the inclination to favour the desired result
Accused	1	Letter of Apology or Reflection on experience of a process that could result in incarceration
Victim	1	Victim Impact Statement or Reflection on process that exposes personal information and situations
Jurors	6+	Reflection of the difficulty of deciding on credibility, negotiating with other jurors and the responsibility of deciding someone's fate
Court Clerk	1	Research the role of the clerk and the importance of control of exhibits and transcripts to appeals
Court Security Officer	1	Research the need for protection in the courtroom, for treating the accused with respect and the process of escorting witnesses and excluding witness
Court Artist	2+	Submit courtroom sketches; Research the reasons behind excluding cameras from courtrooms and comment on the current debates about this issue
Press	2-6	Have one student prepare an article on the trial. Have other students prepare editorial by assigning perspectives, such as a 'law and order agenda' or a 'victim's rights' agenda and have students prepare an editorial on the results of the trial
Judge	1	A student could decide on a verdict alone or in consultation with a judge or lawyer presiding over the hearing and then write a reflection on the decision making process.
Court Worker (Victim Witness, Youth Advocate or First Nations Advocate, depending on the scenario)	1	Student can research the types of assistance that the appropriate Court Worker might be able to offer to the offender or the victim
	Total 30+	



Marking Scheme for Judges

Have a volunteer judge or lawyer use this marking scheme to provide feedback on student performance that can be used for assessment. Each of four areas is worth 25 marks.

1. Trial Process and Procedure

In this area the judges will be considering:

- did each team member/lawyer observe proper trial procedure (order of case, appropriate objections, appropriate responses to objections, court decorum, entering of exhibits, witnesses etc.)
- the team members, including witnesses, did not unfairly deviate from the scenario
- did team members conduct themselves professionally and civilly, treating opposing counsel and witnesses respectfully? Did the team focus on presenting the case to the judge, rather than engaging in an argument with opposing counsel?

2. Development and Presentation of Legal Argument

In this area the judges will be considering the following:

- opening and closing statements set out the theory of the case
- direct examination utilized appropriate, effective, non-leading questions
- cross examination questions brought out contradictions and/or weakness in the other case
- closing statements were organized, well-reasoned and summarized the important areas of the evidence and the team's case

3. Oral Advocacy

In this area the judges will be considering the following:

- did team members speak clearly and distinctly, could they be heard?
- did team members keep their presentations within the prescribed time limits?
- were the team members compelling in their arguments?
- how did students deal with objections or other unexpected developments in the trial?

4. Witness Performance

In this area the judges will be considering the following:

- were the witnesses (including accused, police etc.) convincing in their testimony, well-prepared for questions and answering the questions appropriately?

Mock Hearing performance summary sheet

(NAME OF TEAM)					
<input type="checkbox"/> CROWN					<input type="checkbox"/> CONVICTION
<input type="checkbox"/> DEFENCE					<input type="checkbox"/> ACQUITTAL
STUDENT 1	STUDENT 2	STUDENT 3	STUDENT 4	STUDENT 5	STUDENT 6
Comments:	Comments:	Comments:	Comments:	Comments:	Comments:
<u>TEAM MARK</u>					
1.	Trial Process & Procedure		SUB TOTAL SCORE (1 + 2 + 3 + 4)		
2.	Development & Presentation of Legal Argument		MINUS DEDUCTIONS		
3.	Oral Advocacy				
4.	Witness Performance		FINAL SCORE		



Mock Hearing Rubric

	4 (80- 100% of the time)	3 (70- 79% of the time)	2 (60- 69% of the time)	1 (50- 59% of the time)
Preparation and Research				
Witness	Statements are fully developed; completely consistent with record, did not deviate from facts, responded well to questions posed to cross- examination, and accurately performed	Statements are fully developed; completely consistent with record, and accurately performed	Statements are undeveloped, inconsistent, and inaccurate	Statements are non- existent and are completely inconsistent (unprepared witness)
Lawyer (all)	Questions are relevant, logical, and clear; questions are properly formed and delivered, bring out important information for side	Questions are relevant, logical, and clear; questions are properly formed and delivered; lawyer memorizes opening or closing statement	Questions are irrelevant, illogical, and unclear	Does not have any questions, irrelevant, illogical, unclear
<i>Lawyer (opening statement)</i>	Provided a clear and concise description of his/ her team's side of the case	Provided a semi- clear and concise description of the case	Although there was a description of the case, it was unclear	There was no clear, concise description of the case
<i>Lawyer (direct examination)</i>	Used questions with straightforward answers; direct questions, brought out key facts of his/ her case	Most of the questions were direct and straightforward, brought out key facts of case	Half of the questions were direct and straightforward, brought out some of the key facts of the case	Very few of the questions were direct or straightforward, very few of the facts were brought out
<i>Lawyer (cross- examination)</i>	Brought out contradictions or problems with testimony and weakened other side's case; used properly phrased questions and exhibited clear understanding of trial procedures; all questions were leading	Brought out some contradictions of testimony and did not really weaken the other side's case; most questions were clear and most exhibited a clear understanding of trial procedures; most questions were leading	Brought out few contradictions of testimony and did not weaken the other side's case; some questions were not clear and showed some examples of trial procedures; some questions were leading	Did not contradict or weaken other side's case; questions were completely unclear; questions were all direct
<i>Lawyer (closing statement)</i>	Made an organized and well-reasoned presentation summarizing the important points of the case	Made a semi-organized and reasoned presentation summarizing the important points of the case	Presentation was unorganized and was not well-reasoned; the facts of their side were not really presented	The presentation was completely unorganized and did not represent their side
Voice	Easily understandable; consistent use of appropriate voice rate and speed; loud enough for everyone to hear; intonation (tone)	Understandable most of the time, appropriate voice rate in most of the performance, usually loud, has a decent tone	Not easily understood; delivery needs work	Is not understandable and does not have appropriate voice
Eye Contact	Establishes appropriate eye contact for the situation and setting	Establishes eye contact most of the time	Very rarely establishes eye contact	Does not establish eye contact
Authenticity	Seems very real, excellent use of body and facial expressions, words and gestures match character; well adapted to setting; appropriate costume; did not unfairly deviate from the facts	Believable character, adequate use of expressions, adapted to setting fairly well	Needs to be more convincing, unbelievable character, inadequate expressions, has not adapted to setting	Not in character, no expressions, not adapted to setting



Sample Mock Trial Performance Rating Sheet

In deciding which team has made the best presentation, the following criteria could be used to evaluate each team's performance. For each of the performance standards listed below, the judge rates each team on a scale of 1-5.

Performance Expectations	Crown	Defence
Opening statement: the lawyers provided a clear and concise description of his/her team's side of the case.		
On direct examination , lawyers utilized questions that required straightforward answers and brought out key information for their side of case.		
On cross-examination , lawyers were able to bring out contradictions in testimony and weaken other side's case.		
Throughout the questioning of witness , lawyers utilized properly phrased questions and exhibited a clear understanding of criminal trial procedures, rules of evidence and the applicable law.		
Closing statement: the lawyers made an organized and well-reasoned presentation summarizing the most important points of his/her team's side of case.		
Performance Standards WITNESSES		
Witnesses/accused were believable in their characterizations, convincing in their testimony and did not unfairly deviate from the facts in the case.		
Witnesses/accused were well prepared for answering the questions posed to them under direct examination.		
Witness/accused responded well to questions posed to them under cross-examination.		
OVERALL TEAM PERFORMANCE		
Team members were courteous, observed general courtroom decorum, spoke clearly and distinctly.		
Team members kept their presentations within the prescribed time limits, with all team members involved in the presentation of the case. Objections, if any, were timely and relevant.		
TOTAL SCORE:		



Working With Volunteers

Mock trial and mock sentencing events require good planning and execution. Volunteers can assist with both. Volunteers can also provide students with more one-on-one attention, and bring their work experience to the table, giving students a window into the justice system.

Recruitment

Justice sector representatives and educators are often very interested in participating in events such as mock trials and mock sentencings. Ways to recruit volunteers include:

- Speaking with friends or acquaintances that work within the justice system
- Having justice sector volunteers already involved put a call out to their colleagues
- Putting out a call for volunteers to other teachers in your school or school board
- Contacting the OJEN Regional Judicial Contact for your region to discuss volunteer recruitment
- Contacting the OJEN staff person for your region to facilitate a connection with justice sector representatives in your area (refer to Section 4: About OJEN)

Orientation

Justice sector representatives and educators are often very busy, and may be squeezing your program into an already hectic week. Assist them by:

- Ascertaining what each volunteer is most interested in, and seeing if you can accommodate this interest within the range of volunteer roles available
- Being well organized – make sure you can tell each volunteer what their role is, where to be at what time, and what will happen when they get there
- Providing written material ahead of time (including fact scenarios, rules, marking schedules, etc.)
- Ensuring volunteers know who can answer their questions, and facilitating adequate communication channels
- Ensuring as best as you can that volunteers are enjoying their participation by providing refreshments if necessary, and making sure volunteers have enough time to complete the tasks you set for them

Appreciation

Volunteers like participating, and they also like having their hard work appreciated. Happy volunteers will often return for future events! Try these ideas for volunteer appreciation:

- A general thank you and round of applause during the awards presentation and wrap-up comments at the event itself
- Thank you letters after the event from the committee who organized the event, or the local judiciary
- A photo of the event
- Submit an OJEN Mock Trial Report Form, so volunteers can see the event profiled in the OJEN newsletter and on the website
- An annual thank-you letter from the Chief Justice of Ontario, who is the Chair of the OJEN Network (provide volunteers' names and addresses to OJEN)



Connecting With the Media

The media is a powerful tool for reaching a broad audience or securing partners and supporters for justice education events in your community. You may wish to connect with the media before, during, and after your mock trial or mock sentencing.

If your event is occurring at a local courthouse and you wish to invite local media, contact the court prior to the event to discuss this matter. It is a longstanding rule that cameras cannot be used inside courthouses for any reason (including for personal use such as class photos). This prohibition applies everywhere in the courthouse, both inside courtrooms and within the hallways of the courthouse. This is particularly significant if your event is occurring on a day when court is in-session. Court staff will be able to guide you through the process of seeking approval to take photos and have media present to document your event.

Publicity Before Event

- **Media List.** Establish a contact list of all potential reporters from print, radio and television who could publicize your event.
- **Focus Points.** Identify news angles to catch the attention of reporters. Prepare written material for easy distribution.
- **New Releases.** Develop a variety of press release formats to meet the needs of the different media. Schedule distribution at regular intervals so your event is always a focal point.
- **Community Calendars & Newsletters.** Develop brief articles about your event. Reach out to organizations that distribute newsletters (both hardcopy and online), such as schools, school boards, education associations (such as OHASSTA and OBEA), libraries, law firms, government agencies (including the local courthouse), community groups and agencies, etc.
- **Interviews.** Be willing and available to provide (or have students provide) media interviews.

Publicity During Event

- **Follow-up.** Stay on top of your publicity efforts as your event approaches. Make sure your event is at the top of everyone's agendas.
- **Record Success.** Make efforts to photograph or film activities and events (photos are also good for distributing to participants and volunteers). Ensure that you have media releases from everyone before publishing or printing images.
- **Media Packets/Press Kits.** Have packets of materials and information ready for distribution to the media.
- **Make Connections.** Connect spokespeople with the media.

Publicity After Event

- **News Release.** Have follow-up news releases ready for media contacts, along with photos.
- **Thank You Letters.** Be sure to thank media contacts, as well as your volunteers and donors.
- **Media Clippings File.** Keep track of all publicity, both successful and unsuccessful efforts, along with brief notes and suggestions for the future. Collect a copy of all coverage and forward it to OJEN for province-wide profile.
- **Complete the OJEN Mock Trial Reporting Form.** Include photos of your event. The coverage may be used in OJEN's newsletter or website.



Getting Help

There are many dedicated teachers and justice sector volunteers who work to develop mock hearing programs for students throughout Ontario. Many of these volunteers are also happy to share their experiences and expertise with people establishing a new mock hearing event. OJEN staff are also available to provide general information about mock hearing programs, and to point you to helpful resources and ideas. For more information, please visit the OJEN website at www.ojen.ca or contact the OJEN office to be connected with someone in your region.



Students celebrate their success upon hearing a 'not guilty' verdict for their client at a mock criminal trial.



ROLES IN A MOCK HEARING

These information sheets can be distributed to each of the volunteers or students as they prepare for their role in the mock hearing.

Lawyer Coaches

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
- Encourage students to consider careers in the justice system

The role of a lawyer coach in a mock 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, jury members and court services officers 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;



Justice sector volunteers at a sentencing symposium on Manitoulin Island.



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 trial process works
- Note that because of time restraints, there may be a rule against exhibits
- 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)
- 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.





Mock Hearing Judges

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
- 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 the OJEN website.
- 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, 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:
 - 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?



Courtroom Etiquette and Protocol

The courtroom is a formal setting, and there are some specific etiquette rules to follow that may not be familiar to you. Here are some pointers:

- When facing the judge, counsel for the accused/plaintiff/appellant usually sit at the table to the left and counsel for the crown/defendant/respondent sit at the table to the right.
- When the judge enters, all counsel (and everyone else in the courtroom) must stand-up. Counsel then bow to the judge. Sit down when the clerk instructs everyone to do so.
- When you are getting ready to address the judge, either stand at your table, or by the podium (if there is one). Wait until the judge seems ready to proceed. The judge may nod or may state that you can proceed. If you are not sure, ask the judge if you may proceed.
- The first counsel to address the court should introduce other counsel. For example, you might say “[name] appearing for the crown/plaintiff/appellant; my colleague [name] is also appearing for the crown/plaintiff/appellant” or “my friends [name] and [name] appear for the accused/defendant/respondent”.
- Every other counsel should introduce themselves again before starting to address the court.
- If it is not your turn to address the judge, pay attention to what is happening. Take notes that you can use during your submissions or closing statements.
- Try not to distract the judge. If you need to talk with your co-counsel, write a note.
- Stand every time you are addressing or *being addressed* by the judge.
- Refer to your co-counsel as “my colleague” or “my co-counsel”. Opposing counsel should be referred to as “my friend” or “counsel for [position or name of the client]”.
- Address the judge formally. Refer to each judge as “Justice [name]” or simply as “Justice”. If there is more than one judge presiding, to address all of the judges at once, say “Justices”.
- Try not to say “I think” or “in my opinion”. Instead, say “it is submitted”, or “I/we submit”.
- Do not interrupt the judge, and if a judge interrupts you *stop immediately*, and wait until they are finished before replying. Never interrupt or object while an opposing counsel is addressing the judge. Wait until you are specifically asked by the judge to respond to a point argued by opposing counsel.
- If the judge asks you a question, take your time to think about it before replying. If you do not hear the question, or are confused by it, ask the judge to repeat or restate the question. If you do not know the answer, say so. Once a question has been answered, pick up from where you were before the question.

REMEMBER TO:

- **Speak clearly**
- **Use an appropriate volume**
- **Try not to say “um”, “ah” or “okay”**
- **Do not go too fast**



Student Role Preparation

The more students prepare for their role within the mock hearing, the more they will enjoy the experience. Having the assistance of lawyer coaches is an invaluable way of both aiding in students' preparation, and also connecting them to real justice sector volunteers. If your team needs assistance finding lawyers to act as coaches, please contact OJEN. These guides for students are based on material developed by and used with permission from the LAWS Program at the University of Toronto's Faculty of Law.



Preparing for Your Role as a Lawyer

- As a defence lawyer in a criminal hearing you represent the accused
- As a crown attorney in a criminal hearing you represent the government and the public
- As a lawyer in a civil hearing you will represent either the plaintiff or the defendant
- As a lawyer in an appeal (civil or criminal) you will represent either the appellant or the respondent

How to prepare an opening statement

- Become familiar with your witnesses' fact sheets
- An opening statement presents your theory of the case and provides an outline of the evidence your team will present
- Select the facts that should be included in the opening statement. Include the central facts to your case that are not likely to be challenged by the other side.
- Stick to facts. The facts are what will paint the picture for the judge and/or jury.
- Check with the lawyer writing the closing arguments for your side to make sure that both the opening and closing arguments are very similar and cover the same facts
- Check with the lawyers conducting examinations of witnesses to ensure that the facts in your statement match the testimony anticipated from witnesses
- When giving the opening arguments, try to speak in short, clear sentences. Be brief and to the point.
- Have notes handy to refresh your memory
- Remember that the opening statement is very brief but gives an overview of your theory of the case

How to prepare for direct examination

- Write down all the things that your side is trying to prove
- Read the witness' testimony carefully, several times over
- Make a list of all the facts in the witness' testimony that help your case
- Put a star beside the most important facts that you must make sure that your witness talks about. For example, an important fact for the crown might be if your witness saw the actual crime take place.
- Create questions to ask the witness that will help the witness tell a story:
 - Start with questions that will let the witness tell the court who s/he is ("What is your name? What do you do? How long have you worked in that job?")
 - Move to the events in question ("What were you doing on the night in question? Where were you? When did you first hear there was a problem?")
 - Move to more specific questions ("What did you see? What did you do after that happened?")



- Remember not to ask leading questions. (Leading questions are questions that suggest the answer or influence the witness to answer in a particular way).
- When your witness is on the stand, do not be afraid to ask a question twice, using different words, if you do not get the answer you were expecting

How to prepare for cross-examination

1. Make a list of all the facts in the witness' testimony that hurt your case
2. If there are a lot of facts that hurt your case, can you find a way to challenge the witness' credibility? For example, can you show that the witness made a mistake or has a reason for not telling the truth?
3. Put a star beside the facts you must make the witness talk about
4. Write short leading questions that move the witness towards the key points you want to make
5. Depending on what the witnesses say you might need to come up with different questions on the spot during the trial. It may be helpful to prepare alternate questions in case you encounter a difficult or stubborn witness.

How to prepare closing statements

1. Write down your key arguments and summarize the important facts you want to emphasize for the judge or jury
2. When delivering the closing arguments, try to speak in short, clear sentences. Be brief and to the point.
3. Only summarize evidence that actually was given at trial. This may mean you have to adjust your closing arguments on the spot if the evidence is different than you had expected.
4. Where a witness for the other side admitted something important to your case, point that out. For example: "The witness says she identified Mr. Smith as the man who broke into the car. However, she admitted that she was standing three blocks away from the car when she made the identification. She admitted that it was dark out. There is a real doubt that the witness actually could have identified anyone, let alone someone she had never met before."
5. Check with the lawyer writing the opening statements for your side, to make sure that both the opening and closing statements are very similar, and cover the same facts.





Preparing for Your Role as a Witness

- Learn your facts by heart
- You will be sworn in during the hearing and may need to spell your character's full name
- Stick to the script. Do not make up facts. This is unfair to the student lawyers.
- Listen to the questions carefully. If you do not understand the question, then ask to have it repeated.
- If a lawyer or the judge asks a question about something that is not in your package you can say you do not know the answer
- Even though you may be playing a character who is antagonistic to one side or the other, you cannot lie or refuse to answer a question. If you are **too** belligerent, the judge may direct you to answer the question.
- Speak with the lawyers representing your side before the hearing, and get into character when you take the stand
- Consider dressing-up to play your role or taking on the personality that suits your character



Preparing for your Role as a Judge or Jury Member

Judge

A judge's role is to:

- Preside over the hearing
- Be a referee and explain to the jury what the law is
- If a lawyer objects to a question by another lawyer, decide whether or not the witness must answer the question
- At the end of the trial, summarize the law and evidence as related to the case
- If it is a jury trial, instruct the jury, who then decide (in a criminal trial) if the accused is guilty or not, or (in a civil trial) if the plaintiff has proved their claim or not
- In a criminal trial: if the accused is found guilty, decide what the sentence will be
- In a civil trial: if the plaintiff is successful, determine a remedy (injunction, order, damages, etc.)

Jury Members

A jury's role is to:

- Listen to all of the evidence without making any decisions until the end of the trial about the guilt or innocence of the accused, or the strength of the plaintiff's claim
- Listen to the judge describe the evidence and what the law is
- Elect a foreperson (spokesperson) to head the jury and give the final decision
- Talk about the evidence with other jurors behind closed doors, and then vote on the guilt or innocence of the accused, or the success or failure of the plaintiff's claim
- Come up with a decision that all jurors agree on



Preparing for Your Role as a Court Clerk

Your role is to help the judge to make sure that the trial runs smoothly.

You will:

- Open the court
- In a criminal trial: read the charge to the accused and ask him/her to plead guilty or not guilty
- Swear in the witnesses
- Accept and number exhibits
- Adjourn the court for a recess
- Close the court

How to Open the Court

When all participants are in their places, you will bring in the judge and say:

“Order in the court, all rise.”

After the judge has entered and sat down you say:

“Court is now in session, please be seated.”

How to Read the Charge(s)

Stand and say to the accused:

“(Accused’s name), is charged that s/he, on or about the ** day of ** 200*, in the City of **, did (read out the charge as set out in the Information).”

“(Accused’s name), how do you plead to this charge? Guilty or not guilty?”

(Repeat for each additional charge)

How to Swear in Witnesses

In many mock hearings, judges prefer not to swear in the witnesses as the students will not be telling the truth, but rather acting. In order to preserve the significance of the oath, many judges prefer to skip it in a mock event.

If it is agreed that the witnesses may swear a ‘mock’ oath, the clerk will administer the oath. When a lawyer calls a witness, ask the witness to enter the witness box (closest to the reporter) and you will swear them in by saying:

“Will you please state your name for the court? Please spell your first and last name.”



Ask the witness if they wish to swear on a holy book or affirm. If the witness chooses to **affirm**, you ask:

“Do you solemnly affirm that the evidence you are about to give, shall be the truth, the whole truth and nothing but the truth?”

If the witness chooses to **swear** on the bible, you ask:

“Do you swear that the evidence you are about to give, shall be the truth, the whole truth and nothing but the truth, so help you God?”

How to Adjourn the Court for a Recess

After both the crown and the defence/plaintiff and defendant have made their closing arguments, the judge may recess before giving their verdict/sentence.

When the judge is ready to adjourn, s/he will announce that the court is going to recess for _____ minutes (usually 10 or 15 minutes but the judge will say the length of the break).

When ready to adjourn, you stand and say:

“All rise please. Court is in recess for _____ minutes.”

When the judge is ready to return, you enter the courtroom and say:

“Order in court all rise.”

When the judge has sat down you say:

“Court is now reconvened. Please be seated.”

Closing the Court

After the lawyers have made their closing arguments and the jury has given its decision, then the court is closed and you will say:

“All rise please. Court is adjourned for the day.”



Preparing for Your Role as Court Security Officer

Your role is to:

- Bring the accused, and the witnesses into the courtroom
- Help the judge in keeping order in the courtroom
- Making sure the participants in the hearing such as the accused, the judge, the witnesses, the jury (if there is one), or the parties (if it is a civil case) are not threatened during the hearing

The judge will expect you to escort anyone who becomes too loud or is not behaving out of the courtroom. Prepare for this role by reviewing the background documents and understanding what will happen during the hearing.



Preparing for Your Role as Press Reporter

Press reporters report on legal hearings for local and national news media. Things for you to consider when preparing for your role as reporter:

- What is the name of the case?
- Who are the people involved?
- Is it a criminal or civil case? What type of case?
- Which court is the hearing taking place in?
- Will there be a judge and a jury, or a judge alone?
- Are there things in this case that you are not allowed to report because the accused is a young person, or because a publication ban is in effect?
- What is the factual background that led to the hearing?
- If it is a criminal case, what is the crime that the accused is charged with?
- What are the key facts?
- What is the outcome/decision?
- Is there anything you want to ask the lawyers about after the case?
- Are there any principles of law that you should explain to your readers?
- Have you presented a balanced account of the case?

Prepare for this role by reviewing the background documents and understanding what will happen during the hearing.



Preparing for Your Role as Court Artist

In Canadian Courts, no cameras are allowed in courtrooms (although this is currently under debate). The role of the court artist is to sketch what is taking place in the courtroom for record keeping and for reporting to the public. Press artists' sketches might appear in newspapers or on TV. During the hearing:

- sketch the witnesses
- sketch the lawyers in action

Prepare for this role by reviewing the background documents and understanding what will happen during the hearing.



SCENARIOS & INFORMATION ON EACH TYPE OF HEARING

There are many types of mock hearings. Outlined in this section are a variety of types of hearings with a variety of difficulty levels. The background material for each type of hearing will help you decide how it might fit into your classroom planning. The scenario descriptions include information on time requirements and topics.

All of the scenarios listed here are available through the OJEN website at www.ojen.ca. In addition, OJEN is always developing new scenarios in collaboration with teachers and members of the justice system. New scenarios in each of these areas will be added to the OJEN website regularly.

Key players in a Mock Hearing

ACCUSED

The accused is the person who is alleged to have committed the criminal offence, and who has been charged with committing it. Before being charged, a person may be known as the "suspect." During trial proceedings the accused is sometimes called the 'defendant' (as in: "Will the defendant please rise."). If found guilty, the accused may be called the 'offender' or 'perpetrator'.

APPELLANT

The term for the party appealing a judgment (even if they were a defendant at the civil or criminal trial below).

ARRESTING OFFICER

The arresting officer is the police officer who investigates the crime, and then arrests and charges the accused, which starts the prosecution process.

CRIMINAL DEFENCE COUNSEL

A defence counsel is hired by a person charged with a criminal offence and represents that person in the court process. A defence counsel's job is to make sure someone accused of a crime gets a fair trial. To do this, defence counsel brings evidence to the court and draws the court's attention to any flaws or weaknesses in the crown's evidence and arguments. It is the defence counsel's job to protect client's right to a fair trial and to ensure that any reasonable doubts concerning the crown's case are presented to the court.

CRIMINAL DUTY COUNSEL

A duty counsel is a lawyer paid by Legal Aid Ontario to help an accused person who cannot afford a defence counsel. Duty counsel assists the accused in many of the same ways a defence counsel does. They can give advice and basic assistance with the court process. They cannot

replace a lawyer on a file and instead can only help out on a given day by assisting the accused with asking for a delay, doing some simple plea-bargaining with the crown, conducting bail hearings, and assisting with guilty pleas and sentencing.

COURT ARTISTS

Individuals who document the trial through drawings because cameras are not allowed in Canadian courtrooms.

COURT CLERK

A court clerk is a court official who assists the judge with keeping the courtroom running smoothly. Court clerks swear in witnesses, mark exhibits, open the court, call for adjournments and close the court.

COURT INTERPRETER

The court interpreter is a professional interpreter paid for by the Ministry of the Attorney General, who ensures that the accused and witnesses who speak a language other than the language of the court proceeding (in Ontario, English or French) can give and hear evidence and directions made during the hearing.

COURT REPORTER

A court reporter is a court official who keeps a written record of everything that is said in the courtroom. Lawyers, the judge, and the jury can refer back to these records in order to see if witnesses have changed their testimony during the course of a trial or if something that someone has said has been forgotten or misquoted. The judge can also refer back to these notes when writing their final decision. Many court reporters use recording devices to back up their written/typed notes. The transcript produced by the court reporter is essential for any subsequent appeal.



COURT SERVICES OFFICER

A court services officer assists the judge by keeping order in the court. Part of the court services officer's job is also to make sure that the accused, the victim, and the witnesses are safe while they are in the courtroom. If the accused is being held in custody, the court services officer will escort the accused into the courtroom. The judge can ask the court services officer to remove people from the courtroom who are causing disturbances or acting disrespectfully towards the court.

CROWN ATTORNEY AND ASSISTANT CROWN ATTORNEYS

Crown attorneys act on behalf of the Attorney General to prosecute criminal cases. Unlike in the American system, Canadian crown attorneys are not usually involved in police investigations. Instead, they review police findings and make independent assessments about whether or not there is sufficient evidence to justify a prosecution. A crown attorney's goal is to bring all credible evidence before the courts to try to prove guilt beyond a reasonable doubt. The crown attorney does not "win" or "lose" a trial.

DEFENDANT

In a civil case, the defendant is the name given to the person being sued. In a criminal case, this is the name given to the person accused of the crime.

EXPERT WITNESS

Expert witnesses are witnesses that the court considers to have sufficient expertise in their field to testify about more than they have seen or heard. Expert witnesses testify about conclusions they have reached from certain facts and they can testify about their opinions on the facts. Only expert witnesses can testify about their opinions. Expert testimony usually helps the court understand some of the other evidence being presented. For example, a sexual assault counselor might be considered an expert witness on how women are affected by sexual assault; a pathologist would be considered an expert in what different autopsy results mean; a firearms expert can speculate about what kind of gun might have been used based on physical evidence presented by someone else.

JUDGE

A judge is someone with a legal background who has been appointed by either the provincial or federal government to hear evidence in court and make decisions about the outcome of legal cases. Judges are required to listen to all the evidence presented during a trial and act impartially in their decision-making. Even in cases where there are juries, the judge will play a role in determining certain aspects of

the proceeding such as whether certain pieces of evidence will be introduced to the jury. A judge is expected to give oral and written reasons for a particular decision. If the trial includes a jury, a judge must summarize information for the jury and give jury members instructions about how to apply the law correctly in coming to its decision. In criminal proceedings, the judge will be responsible for sentencing.

JURY

Juries are groups of citizens chosen from the community who are sworn to hear evidence and witness testimony at trials, and reach a decision on a case. In criminal trials, juries can decide if defendants are guilty or innocent of an offence. Trial by jury is also available in some civil litigation matters, but is rarely used. Canadian juries decide verdicts, but not sentences.

JUSTICE OF THE PEACE

A justice of the peace is a provincially appointed judicial officer who is often the first (and sometimes the only) judicial officer that a member of the public will ever meet. Justices of the peace deal with most matters in a criminal case prior to trial for both adults and young persons. They preside in bail court, to decide whether an accused person should be kept in jail until their trial, and also deal with most pre-trial court appearances. Justices of the peace also hear and decide provincial offences cases for adults and young persons, including offences such as trespassing, liquor violations, traffic offences, workplace safety, environmental protection, parking and noise by-laws. Other areas that justices of the peace deal with include: firearm prohibitions, warrants for child protection, peace bonds, and mental health assessment orders.

LAWYER

Lawyers act for clients in many different types of legal transactions and proceedings, such as real estate purchases, wills, criminal charges, divorces, domestic violence, child welfare, child support, civil debt collection, challenges to legislation, breaches of *Charter* rights, defamation, and immigration. Lawyers explain the law, complete legal transactions, propose legal options for the resolution of disputes, and represent clients before courts, tribunals, and in private mediations and arbitrations. Lawyers usually specialize in particular practice areas, such as family law, property law, wills and estates, civil litigation, or criminal defence work. Other lawyers work for the government (i.e. assistant crown attorneys).

NATIVE WORKER

Native workers assist aboriginal people who are involved in the criminal justice system, ensuring they are treated with



respect and in a manner sensitive to their culture.

PANEL OF JUDGES

In appeals, depending on the type of claim and which court is hearing the claim, there may be one judge or a panel of judges presiding. If there is a panel of judges, the decision of the majority of the panel members determines the outcome. Dissenting judgments are judgments from those panel members who disagreed with the majority.

PARTIES TO AN APPEAL

In appeals, the people involved are the appellant, who brings the appeal, and the respondent, who denies the appeal.

PLAINTIFF

The plaintiff is the person or party bringing a complaint before the court in a civil action.

PRESS

Reporters who document what happened at a trial for the public.

PROBATION OFFICER

Probation officers prepare reports assessing offenders and their suitability for rehabilitative interventions (internal or community-based educational, counseling, or treatment programs or services), and enforce probation orders. Probation is a court order that allows offenders to remain in the community subject to conditions contained in a probation order. Offenders with conditional discharges, suspended sentences, or intermittent sentences *must* be placed on probation, while those subject to fines, incarceration (time in jail) or conditional sentences *may* be placed on probation.

REGISTRAR

The registrar maintains all files and exhibits associated with the court process. Publicly viewable documents are housed at the registry of the court before and after trials. Once a trial is completed and the appeal period has passed, original exhibits are returned to their owners.

RESPONDENT

The name of the defendant on an application or the name of the party that is defending an appeal.

SURETY

The surety is a person who agrees to ensure that an accused person attends court as required until the case is over, and to ensure that the accused abides by the conditions of release, including any reporting, curfew and non-contact clauses. Sureties sign recognizances, agreeing to pay a specified amount of money if the accused person fails to obey the court order. The surety may also have to deposit a sum of money to the court before the accused person is released.

TRIAL COORDINATOR

A trial coordinator schedules the order of hearings in a court on a given day, week and month and decides which judge will hear which case in which courtroom. The trial coordinator also responds to enquiries when matters do not appear on the court list.

VICTIM/WITNESS WORKER

Victim/Witness workers ensure victims and witnesses are supported throughout the criminal justice process. They provide information about the court hearings, as well as services available to witnesses.

WITNESSES

Witnesses are members of the public who have some knowledge about the accused or the event and are brought into the courtroom to give evidence that helps a judge or jury decide the outcome of the case. If such a person testifies in a trial, she/he will be under an oath to tell the court only the truth about what she/he has seen and/or heard. With very rare exceptions (see expert witness), a witness in court can only testify about what she/he has personally seen and/or heard.





Introduction to the Bail Process

What is bail?

Bail is the word used for when a person charged with an offence is allowed to remain in the community during the time between the laying of the charge and the trial.

Most people qualify for bail, with their attendance at future court dates secured by a promise of payment of money or the agreement of a responsible person (a surety) to ensure that they attend court. Usually bail will not be granted if:

- the accused poses a danger to the complainant or any other witness,
- there is a danger that the accused will try to tamper with evidence or convince a witness to change their testimony, or
- there is a danger that the accused might not show up for court.

Usually a person on bail must abide by strict conditions. Failure to meet bail conditions may mean that bail is revoked and the person must await trial in jail. It may also mean that the accused is charged with another offence; that of breaching their bail conditions. Bail conditions may include:

- Not having contact with certain people (such as the complainants of the offence, or other witnesses, or co-accused) (contact includes letters and phone calls, even through friends)
- Staying away from a certain place, such as the home address or school of the complainant
- Agreeing that he/she or someone else will pay money into court if the accused does not show up at the next court hearing
- Submitting passports to the court
- Reporting to the police or a bail supervisor at set times
- Attending school or work
- Following a curfew
- Not using drugs or alcohol
- Keeping the peace (no other disputes or criminal involvement)
- If the alleged offence involved violence, a weapon or criminal harassment the judge *must* also add a condition prohibiting the accused from possessing a weapon

What is a bail hearing?

For some offences, a person will be released on bail unless the crown can prove that there is a special reason (to do with the accused or the offence) why they should be held in jail. For other offences, the person will be held in jail unless the defence proves that they should be let out on bail. A justice of the peace decides whether someone should be granted bail. At a bail hearing both the crown and defence present legal arguments and evidence (this may be written evidence, or witnesses may be called to give testimony) as to why the accused should or should not get bail. The court then makes its decision.

What is a reverse onus?

Most offences require the crown to demonstrate that the accused presents a significant risk, prior to denying bail. In offences with a reverse onus for bail, the accused person is expected to show the judge why s/he should be released. Putting this responsibility on the accused is an example of a reverse onus, because the responsibility or burden of proving that the accused *should not* be held has been reversed.



Curriculum Links for Mock Bail Hearings

Arguments for or against release from custody center on public safety, the presumption of innocence and balancing of interests. Students arguing a mock bail hearing deal first-hand with the difficulty of these situations, giving voice to the variety of views of the criminal justice system. These debates are central to the introduction to the justice system in a Civics or History class. Law 11 & 12 students may find this process to be a good introduction to the balancing involved in many criminal justice matters, as well as a foundation for the substantive area of the criminal law.

Bail Hearing Scenarios (available at www.ojen.ca)

Each scenario package includes the facts, relevant witness sheets, roles and background information for the hearing.



R. v. Reid

Lindsay Reid, a 17 year-old, is charged with theft under \$5000, escape from custody, fail to appear and other charges. Lindsay has previous convictions and other outstanding charges. The crown is seeking a detention order on the basis of a reverse onus. This short bail hearing scenario can be used as an in-class exercise or homework exercise, or as the basis of an in-class mock bail hearing activity.

Suggested timing for a Mock Bail Hearing

1. Clerk calls to order	1 min
2. Introduction of parties and teams	3 mins
3. Clerk reads charges	2 mins
Crown Case	
4. Crown reads allegations	3 mins
Defence Case	
5. Defence direct examination defence witness 1	4 mins
6. Crown cross-examination of defence witness	3 mins
7. Defence direct examination defence witness 2	4 mins
8. Crown cross-examination of defence witness	3 mins
9. Defence direct examination defence witness 3	4 mins
10. Crown cross-examination of defence witness	3 mins
Submissions	
11. Defence closing arguments	4 mins
12. Crown closing arguments	4 mins
Deliberation, Decision & Feedback	
13. Justice of the peace deliberates, delivers decision, gives students feedback and discusses hearing/bail process etc.	12 mins

Total time: 50 minutes



Introduction to Criminal Law Trials

The criminal justice system is a system of rules, roles, and procedures that determine whether or not someone has committed a criminal offence, and determine the appropriate sentence if they are found guilty.

In the criminal justice system, the people of Canada, or of the particular province or territory, are represented by the Crown Attorney, or by Assistant Crown Attorneys.

What is a criminal offence?

A criminal offence is something that the government has decided that Canadian residents are prohibited from doing. In Canada, criminal offences are contained in the *Criminal Code*, the *Controlled Drugs and Substances Act* and the *Youth Criminal Justice Act*. Criminal offences include crimes such as murder, kidnapping, theft, burglary, treason and unlawful possession of drugs.

Many offences include a range of sentences. Each Canadian province and territory also has provincial offences, which are things that the province or territory has decided that we are prohibited from doing. In Ontario, provincial offences include activities such as traffic violations, and engaging in prohibited hunting or fishing activities.

What is a criminal charge?

The criminal charges are the list of things that the crown has to prove in order for the accused to be found guilty.

For example, for a theft charge, the accused is charged with the offence under the *Criminal Code* of:

...committing theft by fraudulently and without the right, taking for use something with the intent to deprive, temporarily or absolutely, the owner of it, of the thing...

The elements the crown must prove at the trial are:

1. That the accused took the thing
2. That the accused intended to take the thing away from someone else
3. That the accused did not own the thing
4. That the accused was the person who committed the crime
5. The value of the thing

Refer to OJEN's *Mens Rea / Actus Reus* Handout (available at www.ojen.ca) for more information concerning proof and intention in a criminal justice context.

What is a criminal trial?

A trial is a kind of debate between two groups called "parties" who have different stories or versions of what actually happened. Trials are used to end disagreements when the two groups involved cannot agree on the facts. A criminal trial resolves the question of guilt when someone is charged with committing a criminal offence.

Every person charged with an offence is presumed to be innocent until proven guilty, and has a right to a trial. At the trial the Crown must prove each and every element of the charge beyond a reasonable doubt. This is a difficult standard. The Crown cannot simply show that the crime may have, or is even likely to have occurred. The Crown must present evidence that leaves no reasonable doubt that the accused is guilty. This high standard of proof is one of the cornerstones of our judicial system.



What happens during a criminal trial?

At the start of a criminal trial, the accused has a chance to plead “guilty” or “not guilty” to the charges. If the accused pleads guilty, there is no trial and the judge sentences the accused. During the trial the Crown tries to prove that the accused is guilty of the criminal offence. The lawyers for the accused try to show that the Crown has not proven its case beyond a reasonable doubt. (The defence is not required to prove that the accused is not guilty.) The judge, or the jury (if there is a jury) then decides whether or not every element of the charge has been proven beyond a reasonable doubt, and therefore whether or not the accused is guilty.

During a trial, each party gets to present their own version by introducing the testimony of witnesses, results of forensic investigations or statements given to police about the events related to the offence. These are all types of evidence. The other side gets to ask questions and challenge the evidence in order to reveal any weaknesses or inconsistencies.

The Crown presents its case first, as it has the burden of proving the guilt of the accused. After the Crown’s opening statement and calling of evidence, the defence decides whether or not to call evidence of its own refuting the Crown’s case. The defence does not have to call any evidence if counsel thinks that the Crown has not proved the case beyond a reasonable doubt. In this situation, the judge would decide the case based on the Crown’s evidence alone. This is a risky decision for defence counsel because the judge would be making a decision having only heard one version of the evidence. If the judge finds the evidence reliable and convicts the accused, the defence will have lost the opportunity to present an alternate version of events. Therefore, in most trials the defence elects to lead evidence and proceeds with an opening statement before calling evidence through witnesses. If both sides have called evidence, the defence then presents closing arguments first, after which the crown presents closing arguments.

At trial a judge alone, or a judge and jury, (depending on the type of offence and its seriousness) will listen to the evidence presented by both sides. At the end of the trial, the judge or the jury decides whether or not the Crown has proven its case beyond a reasonable doubt. The judge or jury deliberate and render a verdict of guilty or not guilty for each charge. In a jury trial, a recommendation about the appropriate sentence will also be given; however, the sentencing decision rests with the judge.

What does ‘beyond a reasonable doubt’ mean?

To convict the accused, the crown must provide the judge, or judge and jury, with evidence that proves each element of the offence “beyond a reasonable doubt”. Proving something “beyond a reasonable doubt” does not mean that there can be no doubt. It means that the crown’s evidence must be convincing enough that the average person would not have any “reasonable doubts” in his or her mind about whether the individual committed the offence.

To ‘raise a reasonable doubt’ the accused and his or her lawyers do not have to disprove all of the elements of the criminal offence. Instead they just have to raise a doubt about the identity of the accused, the events as presented or the state of mind of the accused. The judge or jury may find that the accused committed the offence, based on the evidence presented. If they raise “a reasonable doubt”, then the accused must be found not guilty.

Who has to prove what in a criminal trial?

Under our criminal justice system, a person is presumed to be innocent until they either plead guilty or are found guilty. The crown therefore must prove all of the elements of the offence.



Why are criminal cases always called *R. v. Someone*?

In Canada, criminal charges are made in the name of the Queen, because she is the official head of our country. The Queen is also known as Regina (the Latin word for Queen), which when shortened to R., explains why criminal charges are called *R. v. [Accused's person's name]*.

Criminal proceedings involving an accused (or witness) under 18 years of age are usually referred to by the initials of the young person rather than the full name (e.g., *R. v. S.M.*).

Suggested timing for a mock criminal trial

1. Clerk calls to order	1 min
2. Introduction of parties/teams	2 mins
3. Clerk asks the accused, crown and defence to stand, reads charge, enter pleas	3 mins
Crown Case	
4. Crown opening statement	2 mins
5. Crown direct examination crown witness 1	4 mins
6. Defence cross-examination	3 mins
7. Crown direct examination crown witness 2	4 mins
8. Defence cross-examination	3 mins
Defence Case	
9. Defence opening statement	2 mins
10. Defence direct examination defence witness 1	4 mins
11. Crown cross-examination	3 mins
12. Defence direct examination defence witness 2	4 mins
13. Crown cross-examination	3 mins
Closing Arguments	
14. Defence closing arguments	3 mins
15. Crown closing arguments	3 mins
16. Judge instructs jury (if there is a jury. If not, judge deliberates and renders a verdict – 12 minutes)	2 mins
17. Jury deliberates and gives verdict (if there is a jury)	2 mins
18. Judge gives feedback and discusses trial process etc.	10 mins

Total time: 58 minutes





Curriculum Links for Mock Criminal Trials

Preparing for and participating in a criminal mock trial is an innovative and exciting way for students to learn about the justice system and criminal procedure. Students work in teams to assess the facts presented in a criminal trial scenario and determine legal arguments that support their case, gaining hands-on experience with criminal law and procedure and methods of legal inquiry. Mock criminal trials also provide ample opportunities for students to creatively explore the relationship between law and societal values. Law 11 & 12 students would benefit from participating in a criminal mock trial as they learn about the role of judiciary in interpreting and enforcing *Charter* rights in Canada and address legal issues using a variety of forms of communication.

Criminal Trial Scenarios (available at www.ojen.ca)

Each scenario package includes the facts, relevant witness sheets, roles and background information for the hearing.



R. v. Brogue

Armed with a search warrant, police officers search Brogue's apartment and find narcotics. Following the search, Brogue, who is 18 years old, is charged with trafficking of marijuana and possession of marijuana and cocaine under the *Narcotic Control Act (NCA)*. The scenario deals with the relevant provisions of the *NCA* and provides helpful suggestions for the discussion of "intent", a necessary element to every crime. This scenario, which includes witness information and helpful suggestions as to how each role is played, is appropriate for both academic and non-academic events.

R. v. Crusher

A 17 year-old is charged with both the offence of possession of a weapon for a purpose dangerous to the public peace and carrying a concealed weapon, after bringing a pool table ball in a sock to school. This mock trial could be developed over a week, or as a homework exercise. Four witness roles are provided, allowing students to explore both the defence and Crown examinations. This scenario package includes witness information and factors to consider when preparing for each role, including the Ontario Bar Association's Ontario tournament timeline and rules.

R. v. Jones

A 16 year-old is charged with theft under \$5000 after an alleged shoplifting incident at a local mall. Four witnesses have provided evidence. The scenario deals with *Criminal Code* charges and (if the accused is found guilty), *Youth Criminal Justice Act* sentencing provisions. This scenario is appropriate for either a non-academic or academically focused event with options to emphasize either legal research or experiential approaches, or both. This mock hearing could be developed over a week, or as a homework or extra credit exercise. The scenario package includes witness information and factors to consider when preparing for each role.

R. v. Mantle

A student is charged with break and enter, theft over \$5000 and possession of stolen property following an alleged computer and disk theft at the high school he/she attends. The scenario deals with *Criminal Code* charges and, if the accused is found guilty, *Youth Criminal Justice Act* sentencing provisions. This scenario is appropriate for non-academic or academic focused events and could be developed over a one to two week period. The package includes two defence witness and two crown witness information sheets as well as suggestions as to how each role should be played before and during the trial.



R v. Singh

A 16-year old is charged with theft, assault and uttering threats after an altercation on a TTC platform. The scenario deals with Criminal Code charges and, if the accused is found guilty, Youth Criminal Justice Act sentencing provisions. This scenario is appropriate for non-academically or academically-focused events and could be developed over a one to two week period.

R v. Skywalker

A high-school student is charged with pointing a firearm, and carrying or being in the possession of a weapon or imitation weapon after an alleged altercation at the local convenience store. The accused is being tried without a jury. Four witness roles are provided, as well as factors to consider when preparing for each role. This scenario is appropriate for either a non-academic or academically focused event.

R. v. Tisi

A 16-year old is charged with assault causing bodily harm and robbery stemming from an attack on a 15 year-old student, and the theft of the younger student's basketball shoes. Four witnesses, including the victim, accused and arresting officer provide evidence. Appropriate for a non-academic event or academically-focused exercise, this scenario is also a good starting point for discussion about the psychological impact of crime and the effect of violence on victims. This mock trial activity could be developed over a week, with time for small group preparation for students taking on the roles of counsel, witnesses and court staff.

R. v. Wai

Sixteen year old Jesse Wai is accused of possession and trafficking of marijuana, as well as possession of money obtained through the commission of a crime. This scenario is appropriate for non-academically or academically-focused events and could be developed over a one to two week period.

R. v. Wilson

A 16-year old is charged with possession of a firearm and pointing of a firearm at a party in the accused's apartment. Four witnesses have provided evidence. Suitable for a non-academic event or academically-focused exercise, this scenario presents the opportunity to discuss current debates about crime and the recent changes to the available sentences for gun possession. Debates about philosophies of crime control (e.g. three strikes, law and order, restoration, etc.) can also be developed from this scenario.

The Justice Education Society Advanced Mock Trials

The Justice Education Society has developed a set of mock trials scenarios based on actual cases that deal with challenging and socially relevant issues. Suitable for secondary students, the complete set includes:

- ***R. v. Clarke***: a case of criminal negligence causing death and possession of a stolen motor vehicle
- ***R. v. Girard***: a murder case involving the battered wife syndrome
- ***R. v. Howard***: a case of alleged assault by a teacher on a student
- ***R. v. Hudson***: a murder case involving a defence of sleepwalking
- ***R. v. Irving***: a murder case involving youth gangs
- ***R. v. Mitchell***: a murder case involving an admission of guilt by a mentally challenged person
- ***R. v. Westerland***: a case of sexual assault involving the defence of honest but mistaken belief in consent

These resources are available for purchase directly from The Justice Education Society at www.justiceeducation.ca.

These are just a few of the criminal scenarios available on the OJEN website. Each year new scenarios are developed and added to the site.



Introduction to Sentencings

What is a sentencing hearing?

Once a person has been convicted of an offence (found guilty of an offence), he/she is sentenced. A sentence is a penalty or punishment prescribed by law. Sentencing hearings involve the consideration of an appropriate sentence for the particular offence, based on an analysis of factors including the circumstances of the offender. Offenders can be sentenced immediately after the trial, or at a sentencing hearing set for a later date. This gives the crown and the defence enough time to collect evidence, prepare witnesses, and draft submissions on appropriate sentences.

What happens during a sentencing hearing?

At a sentencing hearing, usually the accused has already been found guilty, or pleaded guilty and a conviction has been entered. If this is not the case, the accused will be arraigned (read the charges) and plead guilty. The crown then reads out a summary of facts describing what happened during the offence. Most of the time this summary of facts has been agreed to by the defence.

The crown makes submissions about what types of sentence would be most appropriate, given the type of offending, the nature of the offence, the severity of the offence, the particular circumstances of the offender, and the consequences of the offence on any victims. The accused and his or her lawyers also make submissions as to why a different or more lenient sentence is more appropriate considering all of the factors of the offence and offender.

Both sides might rely on legal precedents to support their submissions, victim impact statements, reports from doctors or others aware of the circumstances surrounding the offence. The offender may choose to address the judge, or may be invited, by the judge, to make a statement prior to the sentence. The judge then decides on the sentence, and announces the specific details. Most sentences start immediately.

***Criminal Code* Section 718. Sentencing Principles**

The fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) To denounce unlawful conduct;
- (b) To deter the offender and other persons from committing offences;
- (c) To separate offenders from society, where necessary;
- (d) To assist in rehabilitating offenders;
- (e) To provide reparations for harm done to victims or to the community; and
- (f) To promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims and to the community.



What does a judge consider when sentencing a young person?

There are specific sentencing principles in the *Youth Criminal Justice Act* that guide a judge in deciding what sentence to give to a young person. When the offender is a young person, the judge must consider these factors (outlined in section 38 of the *YCJA*):

- The seriousness of the offence and the amount of responsibility the youth had for the offence;
- A sentence that is proportionate to the seriousness of the offence;
- Whether or not the young person has made any amends with the victim;
- Whether the young person has previously spent any time in detention as a result of the offence;
- Whether non-custody would be more appropriate; and
- What sentence would be the least restrictive on the young person and would promote rehabilitation and a sense of responsibility and acknowledgement of the harm done.

Some of the sentencing options a judge has under the *Youth Criminal Justice Act* (from section 42):

- A reprimand
- An absolute or conditional discharge (in an absolute discharge no conviction is registered; in a conditional discharge conditions might include going to school regularly, following a curfew, and staying out of trouble. If the young person keeps all of the conditions until the end of the sentence, a discharge is entered and the person has no criminal record).
- An order to participate in an intensive support and supervision program
- An order to attend a program offered at a facility
- A fine of up to \$1000.00
- Payment of compensation to the victim
- Payment of costs of the crime (such as the costs of replacing stolen goods)
- Community service up to 240 hours
- An order to report to a probation officer
- Custody and supervision (custody is another term for incarceration or time in jail).
- Community justice conferencing (meeting with the police, the crown, the victim and those supporting the victim, and a facilitator so that the offender learns how the wrongdoing has hurt the victim and what they can do to help mend things)
- Healing circles (community members meet with the offender and sometimes the victim. They discuss how to solve the problems that led to the offence and the impact it has had on the community).

How to prepare sentencing submissions

1. Describe the sentencing options that you think are most appropriate and why.
2. Think about any possible programs or counseling that might help the offender avoid getting into trouble again.
3. Write down the most important facts that you want the court to consider when sentencing (i.e. that the offender has no previous criminal convictions, or that the incident resulted in serious consequences/injuries to the victim or victims).
4. Write down the important parts of the witnesses' evidence that you want the court to consider (i.e. that the offender is performing well at school or work, or that the victim's school performance has suffered since the incident, etc.)
5. Write down the key points about why the sentence you are suggesting meets the sentencing guidelines.
6. When delivering the sentencing arguments, try to speak in short, clear sentences. Be brief and to the point.
7. At the end of your submissions, ask the court to impose the sentence that you have chosen.



Suggested timing for a mock sentencing hearing

1. Clerk calls to order	1 min
2. Clerk asks the accused, crown and defence to stand, reads charge, enter pleas, and introduces parties	2 mins
Crown Case	
3. Crown reads agreed statement of facts	3 mins
4. Crown direct examination crown witness 1	3 mins
5. Defence cross-examination	3 mins
6. Crown direct examination crown witness 2	3 mins
7. Defence cross-examination	3 mins
Defence Case	
8. Defence opening statement	1 min
9. Defence direct examination defence witness 1	3 mins
10. Crown cross-examination	3 mins
11. Defence direct examination defence witness 2	3 mins
12. Crown cross-examination	3 mins
Closing Arguments	
13. Defence closing arguments (requested sentence)	2 mins
14. Crown closing arguments (requested sentence)	2 mins
15. Judge deliberates and gives sentence	2 mins
16. Judge gives feedback and discusses sentencing process etc.	10 mins

Total time: 47 minutes



A student receives an award at the closing ceremonies of the mock trial tournament in Brampton.



Introduction to Sentencing Circles

A sentencing circle is a model of restorative justice. The principles of restorative justice can be summarized as follows:

- Crime is seen as a violation of a relationship between all people and is not simply breaking the law or impacting only the victim
- The goal is to restore relationships and ensure harmony and stability
- Victims, communities and offenders are all harmed by crime and they must all be involved in the judicial process
- The victim and the offender play active roles in resolving the conflict through discussion and negotiation
- The offender must make efforts to repair the harm done to the victim, themselves and the community
- The community is involved because collective well-being is a major goal of restorative justice.
- The process considers the circumstances that lead to the criminal incident, and considers solutions to these problems.
- One aim is to prevent further crime from occurring

This can be compared to the following description of the principles of the traditional justice system:

- Crime is seen as a violation against the state or the law
- The justice process consists of an adversarial and hierarchical court system
- The focus is on individual rights/responsibility
- Punishment is emphasized
- Sentencing an offender often results in jail time

Sentencing circles were historically central to many of Canada's First Nations justice systems and remain a very important part of First Nation sentencing and restorative justice practices today. Sentencing circles are recognized under the *Youth Criminal Justice Act* as a positive way to address young offenders in certain circumstances.

When are sentencing circles appropriate?

Sentencing circles are appropriate when:

- The offender agrees to being referred to the sentencing circle
- The offender has deep roots in the community in which the sentencing is held and from which the participants are drawn
- There are elders or respected community leaders willing to participate
- The victim is willing to participate and has not been coerced or pressured into participating
- Disputed facts have been resolved in advance
- The case is one in which a court would be willing to take a calculated risk and depart from the usual range of sentencing
- If relevant, it has been determined whether the victim is subject to battered women's syndrome, and if so, if she can have counseling and be accompanied by a support team in the circle

Sentencing circles might **not** be appropriate if:

- Purely punitive sanctions would result
- Where a term of incarceration in excess of two years is realistic
- The offence is indictable



- There have been frequent repeat offences
- The attitude of the offender prohibits his/her involvement
- There are no community sentencing options available to the circle
- The community is not prepared to be involved in the circle

What happens in a sentencing circle?

There are numerous different ways that a sentencing circle can take place. A common way is for the judge or designated chairperson to outline the ground rules that govern the circle. These could include:

- Everyone has the right to ask anyone else questions
- Everyone in the circle is equal and has an equal voice
- All religious beliefs are tolerated and welcomed

The judge, the designated chairperson or an elder may then make the opening remarks, or perform a traditional prayer. Moving clockwise, every participant is given an opportunity to speak. Everyone has the right to speak or to remain silent. There may be several rounds of speaking. An example of these rounds would be:

1. The first round: "Why did I come today?" and "Why am I here?"
2. The second round: participants speak to the victim and the effect on self, family and community
3. The final round: participants outline expectations to the offender and/or state opinions as to what needs to be done to restore balance

After the final round of speaking, participants try to reach a consensus on the sentence for the offender. The judge then steps back into his or her judicial role and may choose to impose or reject the sentence that the circle has recommended. However, sentences are rarely rejected by the judge.

Another model of sentencing circle starts with the defence presenting their argument for a particular sentence. Then the circle separates into two groups: the victim and the victim's support system (family, friends), and the accused and community participants. Both groups discuss the sentence presented, add, delete and collectively arrive at a sentence. The two parties reconvene and reconcile their proposed sentences, with the judge determining the final sentence.

Circles are usually held in a community facility, court or even outdoors. There should be a sufficient number of chairs for all of the participants, arranged in a circle. If participation is high, there can be an inner and outer circle. The inner circle would include the judge, crown attorney, defence counsel, victim, offender, family, friends, community support system, and external support system. Seating can either be pre-set or people can sit where they feel comfortable.





Suggested timing for a mock sentencing circle/conference

1. Chairperson introduces themselves and welcomes participants to the circle, explaining the format and ground rules of the conference/circle.	3 min
2. Participants introduce themselves, one-by-one.	6 mins
What happened	
3. Victim describes what happened, in his/her own words	4 mins
4. Victim's friends, family and supporters describe the impact of the event	6 mins
5. Accused describes what happened, in his/her own words, including the circumstances that triggered the event	4 mins
6. Accused's friends, family and supporters describe the situation of the accused before and after the event.	6 mins
Impact	
7. Similar to the 'what happened' format described above, the Chairperson invites participants to express the impact of the incident on themselves and their community.	20 mins
Sentence	
8. Once participants feel they have had adequate opportunity to express what happened and the impact of the event/offence on them, the Chairperson will invite participants to recommend a sentence.	10 mins
9. The 'circle' continues until an appropriate sentencing plan is determined by the group.	
10. The judge accepts/rejects the sentence. The Chairperson closes the circle.	2 min

Total time: 1 hour



Curriculum Links for Mock Sentencing Hearings or Sentencing Circles

Law 11 & 12 students can cultivate an understanding of sentencing principles and restorative justice in the criminal justice system through participation in mock sentencing hearings and conferences. Students will learn about the difference between traditional sentencing and restorative justice conferences or sentencing circles. Mock sentencing scenarios also provide opportunities to increase students' understanding of the impact of violence and criminal conduct on the broader community. Law 11 & 12 students will have the opportunity to focus on a specific and significant aspect of criminal law and procedure through participation in a mock sentencing hearing or conference.

Mock Sentencing Hearings & Sentencing Circle Scenarios (available at www.ojen.ca)

Each scenario package includes the facts, relevant witness sheets, roles and background information for the hearing.

R. v. Brown

This aboriginal sentencing scenario focuses on an aboriginal youth who has already spent time in a youth detention centre for previous crimes. He has now been convicted of assault. A sentencing hearing ensues during which a victim impact statement is read. The scenario is followed by 8 discussion questions which can easily be used for class discussion or assigned as homework to an academically focused group. The scenario can be used in a mock sentencing hearing or mock sentencing conference/circle or both.



R. v. Cain

A 16-year old has plead guilty to assault causing bodily harm and robbery, charges stemming from an attack on a 15 year-old student and the theft of the younger student's basketball shoes. The scenario can be used in a mock sentencing hearing or a mock sentencing conference/circle, or both. A total of ten witness roles are provided, allowing students to consider sentencing from the perspectives of the victim, accused, family and community members. This scenario is appropriate for a non-academic event or academically-focused exercise. The scenario package includes a statement of agreed facts and discussion questions for each witness to consider when preparing for the sentencing exercise. This sentencing scenario can be developed over a period of three weeks, with students first learning about the sentencing process, conducting a sentencing conference and then contrasting this experience with a sentencing hearing.

R. v. James

In this aboriginal sentencing scenario, James, an aboriginal youth, pleads guilty to the charge of carrying a concealed weapon. The scenario can be used in a mock sentencing hearing or mock sentencing conference/circle or both. The scenario includes several questions dealing with the factors to be taken into consideration during sentencing. These questions may be more appropriate for an academic focused class and could be assigned as homework.

R.v. Harry Potter and Ron Wesley

Both Harry Potter and Ron Weasley are charged with taking a motor vehicle without the owner's consent. Ron is also charged separately with dangerous operation of a motor vehicle. This scenario teaches elementary students in Grades 5 & 6 about the criminal justice system and deals with offences under the *Criminal Code* and with sentencing principles of the *Youth Criminal Justice Act*. The scenario contains two parts: the jury trial and the sentencing process. The scenario could be given as homework, an in class exercise or students could prepare their roles in advance and hold a mock jury trial in the morning and a sentencing hearing in the afternoon. The package includes details of the crime, charges, the crown case, three witnesses, submissions, and questions for students.

A Night to Remember

An 18 year-old has plead guilty to two counts of dangerous driving causing death, after having left a party and driving recklessly. This sentencing scenario offers students the opportunity to prepare pre-sentence reports and victim impact statements. This scenario would be appropriate for either a non-academic or academically focused event, and offers plenty of opportunity for classroom discussions.

Flames of Frustration

In this sentencing scenario, an 18 year-old has been charged and convicted of arson. A sentencing hearing ensues during which a victim impact statement is read and a psychologist reports on his/her findings after interviewing the accused. The scenario includes several characteristics displayed by the accused, which may be considered during sentencing. This scenario may be more appropriate for an academic focused class, which could be easily used for class discussion.

On the Basketball Court

A 14 year-old has pled guilty to possession of a firearm, after a local pick-up basketball game. This sentencing scenario provides students the opportunity to explore sentencing options, such as minimum and maximum sentences, as this case deals with gun possession. The scenario should be a useful springboard for discussions about the current political climate around handguns, gun laws and related sentencing. This scenario package includes discussion questions, and is appropriate for either a non-academic or academically focused event.



Introduction to the Civil Law System

What is the civil justice system?

The civil justice system is a system of rules, roles, and procedures that resolve disputes between people about civil law. Civil law includes most legal issues that are not criminal, such as family law, employment law, suing someone who owes you money, suing someone for defamation or negligence, or bringing a constitutional challenge against the government. In the civil justice system, the 'parties' to the action are usually individuals, organizations, or the government. The parties to a civil claim are called the plaintiff (the person who brings the claim) and the defendant (the person who defends the claim). Each party can choose to be represented by a lawyer. Government lawyers represent the government.

What is a civil claim?

Civil claims set out in detail what the plaintiff alleges the defendant did or failed to do, and specifies the remedy they are seeking to fix the problem. They ask the court for a judgment in their favour, that they can then enforce against the defendant. Unlike the criminal law, where offences are set out in the *Criminal Code* and other legislation, the civil law system has been established through the common law system of precedent trial decisions being applied to future fact situations.

The plaintiff files a Statement of Claim with all the particulars of the allegation, and the defendant responds to this with a Statement of Defence. Before the trial parties file briefs of evidence, and list which witnesses will be questioned during the trial. For each distinct type of civil claim, there are different elements that the plaintiff must prove. Civil remedies include an injunction stopping the defendant from doing something (such as not publishing photos of the plaintiff), an order forcing the defendant to do something (such as pay the money owed), damages (which compensate the plaintiff for the damage caused), or the overturning of a decision of a government official. The court can also order that the losing party pay all or some of the winning party's legal costs.

What is a civil trial?

A trial is a kind of debate between two groups called "parties" who have different stories or two different versions of what actually happened. Trials are used to end disagreements when the two groups involved cannot agree on the facts of what has taken place. Civil trials end disputes based on civil law. There are many different types of civil trials, depending on the type of law and the particular claim that is filed.

During a trial each party gets to present their own version with evidence before the court, and the other side gets to ask questions and challenge their evidence in order to reveal any weaknesses in the case.

At trial a judge alone, or a judge and jury (depending on the type of claim; juries are very rare in civil trials) will listen to the evidence presented by both sides. The parties try to convince the judge, or judge and jury, that their version of the events is how things really happened. At the end of the trial, the judge or the jury decides which version of events is more believable and give a judgment accordingly.



What does ‘on the balance of probabilities’ mean?

Under our civil justice system, the plaintiff must prove ‘on the balance of probabilities’ that their claim is true. Proving something ‘on the balance of probabilities’ means that it must be more likely than not that the person did the thing alleged. It must be more than 50% likely that he or she did it. This is a lower standard of proof than for a criminal offence where the burden is ‘beyond a reasonable doubt’.

Who has the burden of proof in a civil trial?

In our civil justice system, the plaintiff, the person who made the claim, bears the burden of proving their allegations against the defendant. The defendant then defends against this evidence.

What happens during a civil trial?

In a civil trial, the parties present evidence establishing their position. They call witnesses and enter documents and other evidence. The plaintiff goes first, makes an opening statement, and then calls their witnesses. The plaintiff’s lawyer questions each witness about their statements and evidence, and then the witness is cross-examined by the lawyers for the defendant. After the plaintiff’s evidence, the defendant gives their opening statement. Next the defendant’s witnesses are questioned by the defendant’s lawyer, after which they are cross-examined by the plaintiff’s lawyer. The plaintiff and then the defendant give their submissions on the law that should be applied, and how the evidence relates to the law. The judge (or the jury) considers all of the evidence and submissions and decides whether or not the claim has been proven on a balance of probabilities. Sometimes the judge decides immediately. Sometimes the case is so complex that the judge may not give their decision for many months. The judge may give their decision either orally in court, or in a written judgment, or both.

Suggested timing for a civil mock trial

1. Clerk calls to order, calls case and counsel introduce themselves	2 min
Plaintiff’s Case	
2. Plaintiff’s opening statement	3 mins
3. Plaintiff’s direct examination witness 1	4 mins
4. Defendant’s cross-examination	4 mins
5. Plaintiff’s direct examination witness 2	4 mins
6. Defendant’s cross-examination	4 mins
Defendant’s Case	
7. Defendant’s opening statement	3 mins
8. Defendant’s direct examination witness 1	4 mins
9. Plaintiff’s cross-examination	4 mins
10. Defendant’s direct examination witness 2	4 mins
11. Plaintiff’s cross-examination	4 mins
Closing Arguments	
12. Plaintiff’s closing arguments	3 mins
13. Defendant’s closing arguments	3 mins
14. Judge deliberates and gives decision	2 mins
15. Judge gives feedback and discusses civil trial process etc.	10 mins

Total time: 58 minutes

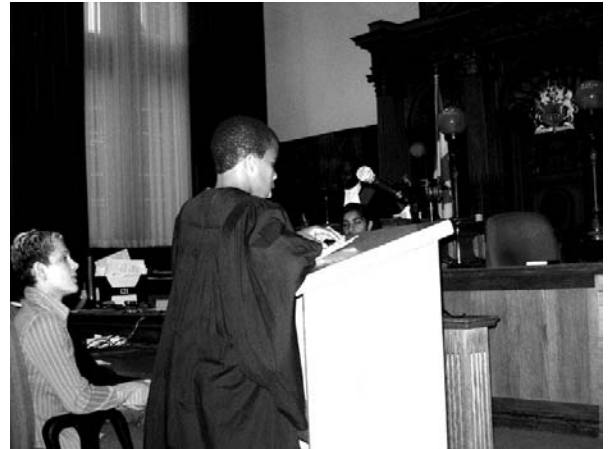


Curriculum Links for Mock Civil Trials

A mock civil trial provides students with opportunities to learn about the origins and development of both common law and the civil law system. Mock trial students will have the opportunity to engage in the civic affairs of the community while contrasting methods of resolving disputes, which are elements of the *Active Citizenship* strand of Civics 10. Participation in mock hearings will increase students' understanding of legal processes, legal institutions, and methods involved in bringing a civil case to trial. Law 11 & 12 students may wish to focus on contrasting methods of regulation and dispute resolution in the civil law system.

Mock Civil Trial Scenarios (available at www.ojen.ca)

Each scenario package includes the facts, relevant witness sheets, roles and background information for the hearing.



A student provides closing submissions before a judge of the Ontario Court of Justice at a mock criminal trial in Toronto.

Bureau v. Smith

A contract for a major home repair goes awry. This scenario provides a good introduction to the law of contracts and the roles of plaintiffs and defendants in civil claims. Suitable for Law 11 & 12 students, this scenario is appropriate for an in-class discussion or homework assignment.

Fadey v. Ketklwane High School

Marcus Fadey slipped and fell in a puddle of water left over in the gymnasium of Ketklwane High School after a championship basketball game. As a result of the injuries, Marcus lost his chance at a basketball scholarship, and lost his job because he was unable to perform the required duties. After the accident, Marcus sued Ketklwane High School for negligence for leaving the unsafe situation in the gym.

Opolsky v. Jaswal and Pasha

Grade 12 student Bruce Opolsky was the subject of a Facebook group called "Bruce is a Cheater" that was created by fellow students, Tahiya Jaswal and Jordan Pasha. As a result of the discussion postings on the group's site, Bruce was benched from his high school wrestling team and denied a job as a summer camp counselor. In response, Bruce Opolsky sued Tahiya Jaswal and Jordan Pasha for defamation.

Pilon v. Tremblay

Stella Tremblay has brought an application for child support against Alexandre Tremblay, father of their 18-year old daughter, Amélie. Stella wants Alexandre to continue to pay child support while Amélie is in university. However, Alexandre thinks that now that Amélie is eighteen, he should not have to pay child support any longer. He also believes the Amélie ended the relationship with him when she sent him a letter telling him that she never wanted to hear from him or see him again.





Introduction to Appeals

What is an appeal?

The appeal process allows a judgment, trial procedure, criminal verdict or sentence to be considered by a higher level of court. If one of the parties to the original hearing or decision alleges there was an error during the hearing, or with the judge's decision, or if it believes the outcome is unfair, an appeal may be launched. Appeals can be made in criminal or civil cases.

Appeals are applications to set aside or alter a judgment, decision, order, verdict or sentence. Appeals must be based on a **question of law**, not a **question of fact**. This means that the appeal court does not rehear the evidence (there are usually no witnesses). Instead, the transcript of the original hearing is reviewed, and the legal arguments are made by both the parties. In some cases, if an appeal is successful, the trial court's decision is quashed (overturned) and a new trial is ordered. In other cases, the appeal court simply enters a new judgment or alters an aspect of the decision.

Depending on the type of claim and which court is hearing the appeal, there may be one judge or a panel of judges presiding. If there is a panel of judges, the decision of the majority of the panel members determines the outcome. Dissenting judgments are judgments from panel members who disagreed with the majority.

Appeals can be allowed in full or in part, or be dismissed in full or in part. The unsuccessful party to an appeal may have to pay the costs of the successful party. The Supreme Court of Canada is Canada's highest appeal court.

Who has the burden of proof in an appeal?

Under the appeal system, the appellant (the one who has filed the appeal) bears the burden of proving their allegations against the respondent. Either party to the original decision can file the appeal.

What happens during an appeal?

First, the appellant files an appeal, specifying the grounds of appeal. This must usually be done within a set time limit after the trial. Sometimes, depending on the case and on the court, the appellant must first ask the higher or appeal court for leave to appeal. This means that the higher court first considers whether or not it should hear the appeal at all. The appeal is then scheduled for hearing.

Before the appeal hearing, each party files documents that set out their positions. Depending on which court is hearing the appeal, these documents may include a *factum* (legal arguments), a book of authorities (copies of all of the legal cases being relied on), and a *compendium* (including the transcript from the original hearing).

During the appeal, the parties present legal arguments in support of their positions. The appellant starts, setting out the grounds on which they allege the earlier hearing or decision was wrong or unfair. The respondent then replies, explaining why there was no error or unfairness. Both parties rely on legal precedents (earlier cases) that support the interpretation of the law they advocate for.

The judge or judges then deliver their decision. Sometimes this happens on the same day as the hearing. Other times the decision is reserved, meaning it is delivered at a later time. This delay allows the judges to consider the submissions and legal precedents further before making their decisions.



The Charter Challenge

The Charter Challenge is an annual mock appellate program that aims to:

- increase students' understanding of the Canadian *Charter of Rights and Freedoms*
- provide opportunities for Ontario students to work collaboratively in resolving fundamental rights, freedoms and human rights issues
- involve expert mentors from the legal community in the process of solving the problem scenario presented to students
- use technology to allow students, mentors and members of the legal community to participate in an event in conjunction with Law Day activities

Teams of four students research the *Charter* issues raised in the scenario. As a team they prepare a factum (written argument). While preparing the arguments, students can discuss the issues online with other students around the province and can pose questions to lawyer mentors. Final facta are submitted and two teams are selected to argue the case in front of a judge of the Court of Appeal. Teachers can register their students on the OJEN website.

Suggested timing for a mock appeal

1. Clerk calls to order, calls case and counsel introduce themselves	2 mins
Appellant's Case	
2. Appellant's submissions including questions from the judge(s) First counsel for the appellant Second counsel for the appellant	6 mins 6 mins
Respondent's Case	
3. Respondent's submissions including questions from the judge(s) First counsel for the respondent Second counsel for the respondent	6 mins 6 mins
Appellant's Response to Respondent's Case	
4. Counsel for the appellant	2 mins
Judgment	
5. Judge(s) deliberates and gives decision	7 mins
6. Judge(s) gives feedback and discuss appeal process etc.	10 mins

Total time: 45 minutes





Curriculum Links for Mock Appeals

Mock appeals provide opportunities for Law 11 & 12 students to learn about Canadian constitutional law and the *Charter of Rights and Freedoms* while conducting in-depth study of appellate-level legal arguments. Mock appeals allow Law 11 & 12 students to address the structure and roles of the courts, ways in which particular rights and freedoms conflict, and approaches to balancing rights and responsibilities. Law 12 students would benefit from a mock appeal during their study of the evolution of constitutional law in Canada. Mock appeals also allow students to learn about the role of the judiciary in defining, interpreting and enforcing the *Charter*.

A mock appeal offers an opportunity to discuss the protections against error in the justice system, as well as the mechanisms to ensure that the courts do not become overwhelmed with appeals. Discussion of the appeal process is also an opportunity to examine claims of wrongful convictions and the challenges of re-opening trials in light of new technologies or new evidence. In a Grade 12 Law class, a mock appeal assignment can include research of a legal issue and the construction of legal arguments, resulting in a factum, the written form of an appellate level argument.

Mock Appeal Scenarios (available at www.ojen.ca)

Each scenario package includes the facts, relevant witness sheets, roles and background information for the hearing.



R. v. J.F.

A school principal has permitted police officers to search students' lockers for drugs, which results in one student being charged with possession. This mock appeal focuses upon unlawful search and seizure issues (section 8 of the *Charter*). The scenario package includes the trial judgment that is under appeal, outlining four specific *Charter* issues for students to consider. Suitable for Law 11 & 12 students, this scenario can be used as the basis of a small group assignment (written factum) and a mock appeal where students present their oral arguments.

R. v. Jobidon

Based on a real case, this scenario is an appeal to the Supreme Court of Canada concerning a manslaughter conviction. Students will have the opportunity to focus on the issue of consent in physical fighting, and explore arguments regarding the intent of the accused. The scenario package includes a case history, fact scenario and questions regarding issues to be addressed on appeal. Electronic versions of the judgments of the three levels of court and the facta submitted to the Supreme Court are also available for students to use in this mock appeal.



THE ONTARIO JUSTICE EDUCATION NETWORK



Levelling the Playing Field

When the Ontario Justice Education Network (OJEN) was established in 2002 to support and develop justice education in Ontario, teachers were already bringing students to visit courthouses across the province. However, there was no formal system to assist these teachers, and no one kept track of when and how many student visits occurred. Some teachers arranged to meet with a judge or have a lawyer visit their classroom by calling on personal friends, family connections or neighbours. It was difficult for teachers without these personal connections to access justice sector representatives.

As a result of the initiation of OJEN, Ontario educators can now not only arrange for a courthouse visit complete with interaction with justice sector representatives, but can also organize to have a judge or lawyer visit their classroom before or after the session. Building on this experience, OJEN has developed programs that enhance classroom learning, assist teachers working with new curricula, and reach out into communities that would not otherwise have access to youth justice education programs.

Participants in OJEN programs play a significant role, whether by receiving a teacher request and coordinating a courthouse visit, coaching a mock trial, chairing a local OJEN Committee, or helping to develop curriculum resources. Regardless of your initial involvement with OJEN, you may be interested in other activities resulting in you learning about or getting involved in other OJEN programs. For example, a lawyer speaking with a teacher at the end of a courthouse visit may be invited to coach one of the school's mock trial teams. A member of the court staff who schedules courthouse visits may hear about the Criminal Code donation program and choose to spearhead this initiative with the local bar.

Because of the potential for one justice education activity to expand into others, OJEN has developed a *Courtrooms & Classrooms* Manual that presents resources and ideas that are helpful to someone assisting with any one of OJEN's programs. This manual is available on OJEN's website at www.ojen.ca.

OJEN History

At the Opening of Courts ceremony in January 2000, the Chief Justice of Ontario, the Honourable R. Roy McMurtry, commented on the desirability of increasing the public's understanding of the role of judges, and the operation of our legal system. Chief Justice McMurtry, along with the Chief Justice of the Superior Court of Justice, the Honourable Patrick LeSage, and the Chief Justice of the Ontario Court of Justice, the Honourable Brian W. Lennox, made a commitment to examine and explore ways to achieve this goal. Together they established the Public Legal Education Task Force.

The Task Force had broad participation from experienced and interested members of the judicial, legal, government, community-based public legal education, and from the education sectors. It included representatives of the Advocates' Society, Community Legal Education Ontario, the County & District Law Presidents' Association, the Law Foundation of Ontario, the Law Society of Upper Canada, Legal Aid Ontario, the Ministry of the Attorney General, the Ministry of Education, the Ontario Bar Association, the Ontario History & Social Science

The strengthening of citizens' knowledge of the legal system and the administration of justice strengthens a vital pillar of democracy.

**The Honourable R. Roy McMurtry,
Former Chief Justice of Ontario**



Teachers' Association, and the Toronto District School Board. From its inception, the Task Force reflected the collaborative support of those sharing a mutual interest in improving public understanding of the justice system and its role as a democratic institution.

Employing the expertise of its membership and with financial assistance from Legal Aid Ontario, the Task Force conducted research regarding the needs, resources, and issues related to public legal education. The Task Force communicated with a range of organizations involved in public legal education, and met with representatives of law-related education programs for students, such as VIP (Values, Influence and Peers), DARE (Drug Abuse Resistance Education programs), and the Executive Director of the British Columbia Law Courts Education Society.

Using the channels initiated by the Task Force, hundreds of volunteers with an interest in supporting collaborative local education activity came forward to offer support from the judiciary, courts administration, education community, legal clinics, offices of the Crown Attorney, and the legal profession in general. With leadership from judges of the Superior Court of Justice and the Ontario Court of Justice across Ontario, the *Courtrooms & Classrooms* initiative was created to provide students with opportunities to engage in interactive sessions with justice system professionals in courthouses and classrooms throughout the province.

In April 2001, a report was submitted to the Task Force, recommending that the efforts toward its vision of "a commitment to an enriched understanding of the justice system in Canada continue." The report further recommended that the *Courtrooms & Classrooms* initiative and local committees be supported, and that consideration be given to a long-term approach to information exchange and coordination regarding public legal education in Ontario.

Pursuant to these recommendations, funding was obtained from the Law Foundation of Ontario, and in 2001 the Ontario Justice Education Network (OJEN) was incorporated as a not-for-profit corporation. OJEN was publicly launched with Law Day activities commemorating the 20th anniversary of the *Canadian Charter of Rights and Freedoms* in April 2002.



A student playing the role of court clerk at a mock trial.

OJEN's corporate structure is comprised of four components – the Network, the Board, the Standing Committees, and the Staff. A full list of OJEN's Network Partners, Board members, committees, and staff is available on OJEN's website at www.ojen.ca. OJEN programs are run locally by OJEN Committees and individuals.

OJEN receives generous funding from the Law Foundation of Ontario, the Ontario Trillium Foundation, the Law Society of Upper Canada, and other Network Partners.

The Network

The OJEN Network is a collaborative forum serving as a communication and facilitation link for justice system participants, educators, community representatives and others with an interest in public legal educational activity. The Network shares information about public education programs and activities, and has an advisory role to OJEN's Board and Executive Director. The Chief Justice of Ontario chairs the Network.



The Board

OJEN's founding Directors were Chief Justices McMurtry, LeSage and Lennox. A traditional board was then appointed, including judges, lawyers and educators. OJEN's board reflects links to major areas of current organizational activity and public legal education providers.

Staff

OJEN has maintained a small staff, based in the provincial office, providing support for regional activities and developing outreach activities that require extensive planning and relationship building at the pilot stage. These outreach activities are evaluated and successful templates are made available to local OJEN Committees to replicate or adapt to suit local needs. The staff in the provincial office also facilitate OJEN communications and collaboration, advocate for justice education and support the Board and Network activities. Any of the staff can be reached directly by contacting the OJEN office or by emailing them directly. In January 2010, the OJEN staff included:

Executive Director: Sarah McCoubrey

Communications & Grants Manager: Nadine Demoe

Education Coordinator: Andrea Sobko

Office Manager: Maureen Ra

Program Managers: Claudia Belda (Thunder Bay), Mara Clarke, Enisoné Kadiri, Stephanie Nilausen, Jessica Reekie

Regional Activity & OJEN Committees

OJEN's justice education activities take place at both provincial and local levels across the organization's eight regions of Ontario. In each region, a Regional Judicial Contact from each of the Superior Court of Justice and the Ontario Court of Justice, has spearheaded local OJEN activity amongst the justice sector in individual communities, through local OJEN Committees.

OJEN Committees are composed of people interested in initiating and improving justice education activity in their area, and in strengthening relationships between the justice and education sectors. Committees work to provide support and innovation to new and existing OJEN justice education initiatives. Committee membership usually includes assistant crown attorneys, defence and civil lawyers, judiciary from both courts, teachers, school board representatives, and court staff. Regions may have a number of different committees, each focusing on a particular geographic area. OJEN staff provide support and assistance to OJEN Committees where needed.

The following consists of a brief snapshot of the many activities being carried out in each region. To participate in activity in your region, please contact the OJEN staff person supporting your region.





Central East Region

OJEN Committees: Durham (Whitby), York, Simcoe Muskoka

Recent Activities: *Courtrooms & Classrooms* Program, High School Remembrance Day Program, “Judges’ Cup” York Region Secondary School Mock Trial Tournament, “Kelly Cup” Oshawa Mock Trial Tournament, and the Simcoe-Muskoka Mock Trial Tournament.

Central West Region

OJEN Committees: Peel, Halton, Kitchener/Waterloo

Recent Activities: *Courtrooms & Classrooms* Programs in Walkerton, Owen Sound, Brampton and Milton, ‘Let Justice Prevail’ Peel Region Mock Trial Tournament, Peel Region Grade 11 Mock Bail Tournament, Adopt-a-School Program, Take Our Kids to Work Day Program, Judge Shadowing, Halton Mock Trial Competition, Kitchener Mock Trial Program.

Central South Region

OJEN Committee: St. Catharines

Recent Activities: *Courtrooms & Classrooms* Programs in Hamilton and St. Catharines, and Judge Shadowing in Welland and Brantford

South West Region

OJEN Committees: Windsor, London, Stratford

Recent Activities: *Courtrooms & Classrooms* Programs in Sarnia, Windsor, Chatham and London, 2003 Summer Law Institute, Classroom-Based Law Day Program, Criminal Code Donation Program.

North East Region

OJEN Committee: Sudbury

Recent Activities: 2003 Summer Law Institute, High School Mock Trial Tournaments, French and Bilingual Mock Trials, Mock Sentencing Program, Manitoulin Sentencing Symposium, Criminal Code Donation Program.

North West Region

OJEN Committees: Thunder Bay, Kenora

Recent Activities: Law Day Activities, Mock Trial Competition and French Mock Trials, Adopt-a-School Program, Circuit Court Education Program, *Courtrooms & Classrooms* Program, Kenora School-Based Mock Trials.



East Region

OJEN Committees: Ottawa, Pembroke/Renfrew, Cornwall

Recent Activities: French and English Summer Law Institute, *Courtrooms & Classrooms* Program, Law Day Activities, Law Day Fun Run, French & English Secondary School Mock Trials, and Elementary School Mock Trials.

Toronto Region

OJEN Committee: Toronto

Recent Activities: Summer Law Institute, *Courtrooms & Classrooms* Program, Judge Shadowing, Elementary School Mock Trial Tournaments, Secondary School Mock Trial Tournaments, Law Day Activities, Adopt-a-School Program, Criminal Code Donation Program, Legal Glossary for Students, Community Based Justice 101 Sessions in high profile neighbourhoods.



Good Luck! Stay in Touch...

Hopefully this toolkit has provided you with useful resources to introduce mock hearings to your students, your school, or your community.

OJEN is always striving to improve the quality of resources available to teachers, relying on a large pool of justice sector professionals who are interested in assisting. If you have ideas or suggestions, or have successfully modified these resources to fit the needs of your community, we would love to hear about it. OJEN staff and volunteers can respond to requests for particular types of scenarios or other related ideas that might improve the mock hearing experience for your students. Teacher-developed innovations are frequently added to the OJEN website or distributed to interested Law and Civics teachers who have subscribed to the OJEN bi-weekly newflash.

If you have held a mock hearing event and would like to send photos or an anecdote, we may add it to the OJEN website, or list the event and its successes in one of our newsletters.

OJEN is always happy to provide certificates of participation for students participating in a mock hearing. Please contact the OJEN office for details.



Other justice education Programs offered by OJEN

Mock hearings are one of the forms of justice education that OJEN facilitates. Other opportunities include:

- professional development for teachers at Summer Law Institutes or through the Judge Shadowing Program
- curriculum resources for Civics 10 – Values of the Justice System
- Landmark Case packages on controversial or significant cases, including plain language summaries, worksheets and discussion questions
- DVD resources with accompanying lesson plans
- Courthouse visits around the province
- Lawyers who are matched with a teacher or school through the Adopt-a-School program
- the OJEN Glossary, a collection of plain language definitions of legal terms, designed for students or teachers
- law symposia for students on current legal topics
- other opportunities to invite justice professionals to speak in your class

and more... Visit the OJEN website or call 416-947-5273 to find out about any of these opportunities.

ONTARIO JUSTICE EDUCATION NETWORK

The Ontario Justice Education Network (OJEN) is a charitable organization dedicated to promoting public understanding, education and dialogue to support a responsive and inclusive justice system. As a result of the efforts of hundreds of volunteers including judges, justices of the peace, lawyers, court staff, educators and community representatives, OJEN is able to facilitate public legal education opportunities for students and community members through its *Courtrooms & Classrooms* initiative. These programs include:

- Court visits
- Classroom visits
- Mock Trials & Sentencings
- Adopt-a-School
- Law Symposia for students
- Summer Law Institutes for educators
- Landmark Cases
- Justice and the Media
- Online curriculum resources
- Art in the Courts

To find out more about these and other OJEN programs and resources, or to download additional copies of this Toolkit, please visit the OJEN website at www.ojen.ca.

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