

MOCK TRIAL CODE OF PROFESSIONAL CONDUCT

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

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

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

Our experience over the past 19 years is that the participants are extremely enthusiastic about the Tournament. We believe that this enthusiasm is based in part on the competitive element of the Tournament. The competitive element, if left unchecked can lead to a negative experience for some participants. As a result we have implemented the **Code of Professional Conduct**. The Code provides as follows:

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

There shall be no questioning the judges' ruling.

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

MOCK TRIAL TOURNAMENT

2000

I. INTRODUCTION

This year's case is Her Majesty the Queen v. L. Skywalker and the accused is charged with the indictable offence of pointing a firearm, and carrying or being in possession of a weapon or imitation thereof. The applicable law is detailed in these materials under the heading "Applicable Law". You may assume for the purposes of this case that the accused's rights under the **Canadian Charter of Rights and Freedoms** have been fully complied with. The accused has been granted permission to be tried without a jury.

The Ontario Tournament organizer is Jacqueline Armstrong of Gowling, Strathy & Henderson in Kitchener. The Tournament is administered by the Law Day Committee of the Canadian Bar Association - Ontario. All communications regarding this tournament should be made in writing to Janice Richardson of the Toronto office of the Canadian Bar Association ("CBAO"), at the address listed below. We encourage participants to fax or e-mail the tournament organizer, Jacqueline Armstrong with respect to any questions about the form or substance of the Mock Trial problem at the following fax number or e-mail address.

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Director of Committees and Meetings
Canadian Bar Association - Ontario
200 - 20 Toronto Street
Toronto ON M5C 2B8
Re: Mock Trial Tournament
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E-Mail: jrichardson@cbao.org

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CBAO Committees Co-ordinator
Phone: (416) 869-0513 ex 327
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Kitchener, ON
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II. THIS YEAR'S ONTARIO TOURNAMENT AND ADDITIONAL RULES

This year's Kit is being made available during the month of October, 1999.

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

A. **Participation and Eligibility**

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

B. **Round One**

Round One consists of a local in-school mock trial competition within the teacher's class or between classes within the same school. This will allow the teacher to form the best school team consisting of six students; four lawyers and two witnesses. At the end of Round One, the school should have selected a team to represent it if it wishes to continue further in the Tournament. At this stage, the teacher may feel that the educational objectives have been met and that he/she does not wish to proceed further. (We would of course encourage all schools to continue to the next round!) **Should the teacher wish to continue on to Round Two, he/she must notify Tracy Dallas at the CBAO of such intention in writing on or before 4:00 p.m. Friday, January 28, 2000. Please note that this deadline is firm, and no exceptions can be made.**

C. **Round Two**

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

Round Two must be completed on either **Thursday, February 24, Friday, February 25 or Saturday, February 26, 2000** and Tracy Dallas advised as to the regional winners on or before 4:00 p.m. on **Monday, February 28, 2000.** Again, **no exceptions will be made with respect to timing.** Strict adherence to the deadline will be required in order that the necessary arrangements may be made for travel and accommodations in Toronto for Rounds 3 and 4. Keep in mind that school holidays may impose certain scheduling difficulties.

D. Round Three

Round Three consists of the semi-finals in Toronto on the morning of Law Day, Thursday, April 13, 2000. The four best teams from the regional inter-school competitions will compete in a court room in Toronto before judges of the Ontario Court of Justice.

E. Round Four

Round Four consists of the finals in Toronto on the afternoon of Law Day. The two winning teams from the morning semi-finals will compete again before the presiding judges. All four teams will receive awards at the Law Day Banquet on the evening of April 13, 2000 which all four semi-finalist teams are invited to attend along with various local and provincial dignitaries and members of the Ontario judiciary and legal profession. The winning team will take home the Ontario High School Mock Trial Tournament trophy for the year.

F. Expenses

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

G. Law Day Re-Enactments

It is hoped that teachers whose teams have not reached the semi-finals and finals in Toronto will nevertheless re-enact their mock trials at school assemblies on Law Day, (April 13, 2000) so that other students and teachers will become aware of the significant benefits of both the mock trial activity and the study of law at the high school level.

H. Inconsistencies in Materials

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

I. References to Gender

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

III. FACT SHEETS FOR HIGH SCHOOL MOCK TRIAL TOURNAMENT 2000

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

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

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

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

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

In your presentation, we would ask all teachers and students, and their advisers, to remember that, in an effort to ensure a "level playing field" for all of this year's participants, you are directed to strictly adhere to the facts and law as given to you; do not add additional facts, do not use case law, case books or any statute law extraneous to the problem. All of the relevant and material facts and law have been provided to you in the materials.

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

R. V. SKYWALKER

CROWN WITNESS R. JABBA HUT

Description of Witness-

Jabba is a 45 year old shop owner. He was born in Europe and came to Canada when he was 15 years old. He worked for 30 years at many different jobs, until he was able to purchase this convenience store. He has a son at one of the public schools in the neighbourhood and he would have liked to send him to private school. It had been open for three months, and he knows that if he continues to lose money, he will lose the store, his life savings and his dream.

Statement of Witness-

On the afternoon of October 2, 1999 I had been working since 6 am and still had to stay until 12 midnight, when the store would close. It had been a long day and I knew it was going to be even longer. It was one of the joys of owning one's own store. My clerk had called in sick..

At approximately 2:30 p.m., I heard the tinkle of the bell above the store's entrance. I had just finished washing and waxing the floor. I saw four kids roller blade into my store. This despite the big sign in my front window: "No blades, no bags, and only three students at a time."

They appeared to be kids from one of the private schools around the store. All their uniforms looked the same. Gray Flannels, white shirts and either navy or green blazers. I could never tell any of the students apart except by their hair lengths. And these looked particularly unkept. These kids were spoiled, noisy kids who would try to buy cigarettes be refused and then would knock items to the floor. I lost more to shoplifting each day for the two hour period after school than I did the rest of the time.

Not only was I losing money to shoplifters but I was fighting with my insurance company about replacing my glasses. I had stepped on them last week at the store and they said they wouldn't cover them. They were so uncomfortable and had so many cracks in them, I only wore them when I was driving. I was not having a lucky week.

I squinted my eyes past the four dark haired students and noticed another few kids come into the store, different coloured blazers. The first four kids were making a lot of noise, and distracted me I then noticed that one of the kids behind seemed to be carrying a gun. This kid seemed familiar; longer hair than normal. I assumed it was the same kid on whom I called the police last month. But as I said, they all look the same.

In my attempt to duck down and yell "don't shoot", I slipped on my clean floor and knocked over a display of tomato juice. One of the bottles landed on my head, cutting my scalp causing blood to run down my face and spill onto the floor. Just before I lost consciousness, I heard the kid who shot me, laughing.

When I regained consciousness, I was able to identify the accused through high school year books provided to me by the police. I would have identified him through the video camera but it was broken. Students the week before had placed gum over the camera in the main store and a water leak had short circuited the viewing box in the stock room. It was just too expensive to fix.

HELPFUL SUGGESTIONS

In order to carry out your role successfully, you will have to meet with the crown counsel before the trial to work out other details about your character. You may want to discuss matters such as how many times, these group of kids had been in the store. You may want to expand on how you were able to identify the accused. You may be asked about the gun, and the shot.

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

During your testimony, you may be asked by the Crown counsel to identify some exhibits. As the Crown counsel hands you each exhibit, examine it and confirm that it is what it is said to be.

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

Try to keep your story consistent throughout your testimony.

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

POLICE OFFICER D. VADAR

Description of Witness-

Vadar is a police officer who has been on the force since 1990. She is a breathalyzer technician, and has worked primarily in the area of drinking and driving and public education. Her unit had been targeting schools and presenting the dangers of drinking and driving. She had already done four presentations at the local public high schools. The reaction among the principals was positive. As a result of these presentations, she had been asked to present at career day at a local private school.

Statement of Witness -

The reception had been luke warm by the students. I thought again, how kids at that age always thought they were indestructible and nothing, including respecting other people, was important to them. There had been one kid, who was particularly mouthy. He had longer dark hair. I had finally asked him to leave.

On my way back to the station I drove past "THE HUT". Although it was a convenience store, it served great flavoured coffee. As I arrived I saw a large number of kids in the parking lot. Swarming had been on the rise so I was somewhat concerned. I called a back up unit at 2:30 p.m.

I thought I recognized the uniforms of gray flannels, white shirts and blazers right away. They were students from the private school where I had just lectured. As I arrived I saw four students in green jackets leave the store and rollerblade away. The green jackets were a rival private school.

As I entered the store I noticed the store owner laying on the ground moaning. There was broken glass and mixed blood and tomato juice everywhere.

I looked back at the rest of the disappearing students in blue jackets. One of them looked particularly familiar. I then realized it was the mouthy kid from today's presentation. My back up arrived and I told her to look after the storekeeper, so I could follow those kids. I told her I would radio her with their location.

I ran to my cruiser. I almost slipped on a pink rag covered with grease. I believed it to be gun oil.

I followed the kids to the local dump. There I saw a bunch of students in green and navy blazers. They were cheering and as I got closer I saw the accused getting ready to hop into his kit car. "The infamous private school challenge." I know that these two schools were always competing, but I did not realize the full extent of the rivalry. This was dangerous. I yelled at them to stop. I saw two "kit cars" take off down the hill. I raced to the bottom to discover there were no kids in the cars, but I did find the gun, which had fallen out of the "kit car" on the left. As I looked up the hill, I saw the green and blue blazers running away.

I grabbed the gun and placed it in the bag with the oil rag. As I was doing this, my back up radioed me and told me that Jabba had been able to identify the accused by reviewing some of the high school yearbooks that were in the cruiser. I took off after the accused and placed him under arrest.

I returned later to the store and could find no bullets and no fingerprints around the door frame. I also had the gun tested for fingerprints but the tests came back inconclusive because there were no salvageable prints for testing. This is to say, that there were prints on the gun, but not of a good enough quality to actually test them to see if they matched the accused prints or anyone else's.

As it turned out this accused had been to our station before. Two years earlier during a school locker search a knife had been found in his locker.

HELPFUL SUGGESTIONS

In order to carry out your role successfully, you will have to meet with the crown counsel before the trial to work out other details about your character. You may want to discuss matters such as whether you were familiar with the two rival school kids, you may want to expand on how you came to arrest the accused, how you found the gun, how the accused was identified. These and other questions could be asked of you on the witness stand.

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

During your testimony, you may be asked by the Crown counsel to identify some exhibits. As the Crown counsel hands you each exhibit, examine it and confirm that it is what it is said to be.

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

Try to keep your story consistent throughout your testimony.

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

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

Note - In reality, you would require an expert to testify that what they found was a firearm as defined in the criminal code. It would have to be tested at the Centre of Forensic Sciences as a firearm and then an expert witness from the Centre of Forensic Sciences would have to come and prove it was tested, examined etc and that it was indeed a firearm. For the purposes of this trial, assume the gun was tested and it tested positive. There will be no need for the attendance of an expert witness.

ROLE -O.B.ONE

Description of Witness -

O.B. One is the best friend of the accused Skywalker. Since his parents had left on holidays and were not due to return for another two days, he had been having lots of fun and had taken full advantage of not having to shower, or clean his school clothes. He had even had a few days off school, courtesy of getting caught smoking in the building. He planned to meet Skywalker outside the school property, watch Skywalker race his new kit car, and then get his hair cut before his parents returned home.

Statement of Witness -

Around 2:15 p.m. I left the school property with Sky. (I like to shorten his name.) I was surprised to see that Sky was sporting a cast and sling on his arm. I thought that was going to make the racing tough, and hoped he did not expect me to race, as I had no co-ordination.

As we walked towards the convenience store "THE HUT" around the corner, I joked with Sky that it looked like he had a gun under his arm. When we arrived at the store a group of our friends were waiting for our arrival. They were coming to support Skywalker as they raced their school rivals at the dump with their new souped up "kit car". As we arrived Sky jokingly said "stick em up". Laughing we all went into the store.

About the same time, we were joined by a few other kids from our rival school. I gathered they too had come to see the race. Those kids were always getting in trouble. Worse yet, there was the "Big Bully" with them. "Big Bully" was his nickname. Sky had dated his sister and when Sky broke up with her, he was afraid to leave the house for one month thinking the "Big Bully" would come and get him. "Big Bully" had phoned him at home and told him that he had a gun with Sky's name on it. Another one of the students had been in trouble a few months before because of mistaken identity. I was glad that Sky and I were going to get our hair cut after the race.

By the time we entered "THE HUT" paid for our drinks and turned to leave, we heard a commotion and then saw the clerk on the floor with red liquid everywhere. I immediately said "Hey Sky" lets go call for help. Together we took off running. Sky's arm was pointing sideways as we ran. Before I left the store I noticed the other rival kids pocketing cigarettes, frankly, I was tempted to do so, but then I saw the police. I also assumed that help had been summoned and we took our drinks and went to the dump for the race.

Skywalker figured he was ok to race, so we checked his car and lined him up beside the rival kit car. I had wanted to check the oil, but could not find the pink rag that I normally used. I must have dropped it.

Just then the police cruiser pulled up. In the commotion both cars slid down the hill. The rival group took off and left the police searching the damaged kit cars. They found a gun next to Sky's car on the ground. We were both shocked. They took him away. I went immediately to call Sky's mother.

HELPFUL SUGGESTIONS

In order to carry out your role successfully, you will have to meet with the defence counsel before the trial to work out other details about your character. You may want to discuss matters such as whether you were familiar with all the members of the rival school group, you may want to expand on what you saw when you entered the store, how the gun was found and how your friend broke his arm. These and other questions could be asked of you on the witness stand.

In your discussion with Defence counsel, make sure that the details of your story agree with what the accused will say.

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

Try to keep your story consistent throughout your testimony.

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

DEFENDANT L. SKYWALKER

Description of Witness-

Sky is a high school student. His hobbies included reading and building kit cars and racing them. Unfortunately in a “practice” race at the old dump, a few days earlier he broke his arm and he was stuck wearing a cast and splint. At least no one had seen him do this bone-head move. And he certainly was not going to repeat it when he raced the rival school.

Statement of Witness-

My mom is a dentist. I want to be a dentist some day, so I study really hard. Some of my class mates tease me about being so smart and studying so much, that I try to act cool around them and I mouth off to teachers and peers.

I really regretted my performance in front of the police officer’s presentation today. It was career day at the school. In fact I regretted a lot of things. I was not myself after I broke up with my girlfriend. I was distracted and waiting for her brother to “put a hole through me”, I also regretted growing my hair long, because twice I had been mistaken as another student. At last, I had made an appointment to get my hair cut with my best friend O.B. right after the “Big Race”. I was pretty psyched!

At approximately 2:15 O.B. and I left the school and headed over the “THE HUT”, the convenience store around the corner. O.B was surprised to see the cast. I told him that I hurt it rollerblading. I did not want him to think that I could not drive the “kit car” even though my fear mounted as we got closer to the store. Our group of friends was waiting there along with the rival school. I did not like those group of guys, but a challenge is a challenge.

We followed the group into the store to get drinks. As I turned around I heard a great big crash and the store clerk appeared to be dancing and shouting some foreign language. He looked so funny slipping and sliding. He reminded me of our science teacher. That broke the tension and I started laughing and laughing waving my broken arm all about.

I took off with O.B. to get help. We left just as the police cruiser pulled up. I thought that was a pretty quick reaction. I noticed it was the same police officer that I had been rude to at career day. Feeling a little guilty, I started to run faster towards the garbage dump.

At the dump the “kit car” was waiting for the big race. It was lined up beside the rival “kit car”. Suddenly sirens surrounded us. Out of the corner of my eye, I noticed the rival group pushing both “kit cars” to the bottom of the hill. I did not know why. Then the rival group sped off.

The police after looking at the damaged “kit cars” placed me under arrest for possession of a weapon. I got taken down to the station, and fingerprinted, before I had a chance to cut my hair.

HELPFUL SUGGESTIONS

In order to carry out your role successfully, you will have to meet with the defence counsel before the trial to work out other details about your character. You may want to discuss matters such as whether you were familiar with all the members of the rival school group, you may want to expand on what you saw when you entered the store, how the gun was found and how you broke your arm. These and other questions could be asked of you on the witness stand.

In your discussion with Defence counsel, make sure that the details of your story agree with what your best friend will say.

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

Try to keep your story consistent throughout your testimony.

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

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

Pointing a Firearm/ Careless use etc.

86(1) Everyone who, without lawful excuse, points a firearm, at another person whether the firearm is loaded or unloaded,

- a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years;
- or
- b) is guilty of an offence punishable on summary conviction.

Possession of a Weapon or Imitation

87. Everyone who carries or has in his possession a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Firearm is defined as “any barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

A person has anything in possession when he has it in his personal possession or knowingly

- 1) has it in the actual possession or custody of another person, or
- ii) has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; ...

THE INDICTMENT

Superior Court of Justice

**Canada
Province of Ontario
Judicial District of Warrs**

Her Majesty the Queen

against

L. Skywalker

L. Skywalker stands charged:

Count 1 - That, at the city of Stars, County of Warrs, Province of Ontario, on the 2nd day of October, 1999, he did without lawful excuse, point a firearm contrary to section 86 of the Criminal Code of Canada.

Count 2 - That, at the city of Stars, County of Warrs, Province of Ontario, on the 2nd day of October, 1999, he did without lawful excuse, carry or have in his possession a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence contrary to section 87 of the Criminal Code of Canada.

Dated this 15th day of October, 1999 at the City of Stars Province of Ontario.

Agent for the Attorney General of Ontario

V. MOCK TRIAL TOURNAMENT TIME CHART 2000

1.	Call to order, read charge, enter plea, introduction of teams		2 - 3 min
2.	Crown - opening statement		4 min
3.	Crown Witnesses		
	R. Jabbahut	- direct examination	6 min
		- cross examination	4 min
	Police Officer D. Vadar	- direct examination	6 min
		- cross examination	4 min
4.	Defence opening		4 min
5.	Defence Witnesses		
	O.B. One	- direct examination	6 min
		- cross examination	4 min
	L. Skywalker	- direct examination	6 min
		- cross examination	4 min
6.	Summations		
	Defence		5 min
	Crown		5 min
7.	Short Recess at Judge's discretion for deliberation		
8.	Judge - verdict and team assessment		10 - 12 min
9.	Judge - delivery of verdict and team assessment		10 - 12 min

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

CLERK/DEPUTY OF THE COURT 2000

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

A. Trial Script Summary

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

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

1. ANNOUNCE THE OPENING OF COURT:

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

Court Deputy: "Order, all rise"

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

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

2. READ THE CHARGES TO THE ACCUSED:

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

1. "L. Skywalker, you stand charged that on the 2nd day of October, 1999, in the city of Stars, County of Warrs, Province of Ontario, you did without lawful excuse, point a firearm contrary to section 86 of the Criminal Code of Canada and therein commit an indictable offence."
2. "How say you to this charge? Do you plead guilty or not guilty?"
3. "L. Skywalker, you stand charged that on the 2nd day of October, 1999, that, at the city of Stars, County of Warrs, Province of Ontario, you did without lawful excuse, carry or have in your possession a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence contrary to section 87 of the Criminal Code of Canada an offence punishable by indictment.
4. "How say you to this charge? Do you plead guilty or not guilty?"

3. SWEAR IN THE WITNESSES:

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

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

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

After the name is given, the oath is given:

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

or

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

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

4. ANNOUNCE ADJOURNMENTS AND THE CLOSING OF COURT

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

Deputy: "All rise"

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

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

Clerk: Court is now resumed, please be seated.

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

Deputy: "All rise"

Clerk: "Court is adjourned"

5. MISCELLANEOUS DUTIES

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

