

# SMALL CLAIMS COURT MOCK HEARING JUSTICE SECTOR VOLUNTEER



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For each OJEN Mock Hearing, there are three packages:

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

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

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

Additional scenarios, as well as civil, administrative, bail and appeal hearing scenarios are available at [OJEN.ca](http://OJEN.ca)



## PURPOSE OF A MOCK HEARING

The purpose of a Small Claims Court 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.

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

## SMALL CLAIMS COURT MOCK HEARING TIME CHART

TIME CHART

ORDER	ACTION	TIME LIMIT
1	Plaintiff and defendant take their seats and judge enters	1 min
2	Clerk calls court to order	2 min
3	Plaintiff and defendant stand and introduce themselves	1 min
<b>PLAINTIFF'S CASE</b>		
4	Plaintiff's opening statement	3 min
5	Plaintiff takes the stand (direct examination by plaintiff's lawyer or paralegal, if applicable)*	4 min
6	Defendant's cross-examination of the plaintiff	4 min
7	Plaintiff's direct examination of plaintiff witness #1	4 min
8	Defendant's cross-examination of plaintiff witness #1	4 min
<b>DEFENDANT'S CASE</b>		
9	Defendant's open statement	3 min
10	Defendant takes the stand (direct examination by defendant's lawyer or paralegal, if applicable)*	4 min
11	Plaintiff's cross-examination of defendant	4 min
12	Defendant's direct examination of defendant witness #1	4 min
13	Plaintiff's cross-examination of defendant witness #1	4 min
<b>CLOSING STATEMENTS</b>		
14	Plaintiff's closing statement	4 min
15	Defendant's closing statement	4 min
<b>DECISION</b>		
16	Judge leaves. Court is adjourned by clerk to await the judge's return	5 min
17	Judge returns and clerk calls court back to order. Judge explains the decision and discusses next steps if applicable.	5 min
<b>TOTAL</b>		<b>60 min</b>

\* If the roles of paralegals or lawyers are being included, the direct and cross examinations will be completed by the lawyer or paralegal, rather than the plaintiff and defendant. Steps 7-8 and 12-13 can be repeated to accommodate multiple witnesses.

## LAWYER COACHES: PREPARING YOUTH FOR A SMALL CLAIMS COURT MOCK HEARING

The role of a 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 the parties and perhaps witnesses, other roles such as court clerks 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 etiquette and procedure (such as when to stand up, how to refer to the opposing counsel, etc.).
- For most secondary school mock hearings, students will be part of either a law or civics course. To find out more about these courses, and the particular aspects of the justice system that students are studying, refer to the OJEN website, [www.ojen.ca](http://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. Confirm this by speaking with their teacher or the mock hearing coordinator.
- Prompting from coaches is not permissible during most tournaments and mock trials.
- Students (especially those playing the part of the plaintiff and defendant) 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 or hearing.

### 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 either plaintiff or defendant, begin by outlining the legal issue at play to help your group understand what they are trying to prove or defend at the hearing. Review the strengths and weaknesses of your case.
- Help the group to come up with a general theory and strategy.
- Discuss opening and closing submissions 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 make in their direct and cross examinations.

- Keep their examination of witnesses short and focused on key points.
- Assist students in coming up with questions for witnesses.
- Help students to feel comfortable with how the hearing process works.

## SMALL CLAIMS COURT JUDGES: ADJUDICATING A MOCK HEARING

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

The role of a 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 volunteer 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 parties and witnesses after the trial (positive feedback and constructive criticism).

Remember that for many students, the opportunity to plead a matter 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 etiquette and procedure (such as when to stand up, how to refer to the opposing counsel, etc.).
- For most secondary school mock hearings, students will be part of either a law or civics course. To find out more about these courses, and the particular aspects of the justice system that students are studying, refer to the OJEN website, [www.ojen.ca](http://www.ojen.ca).
- Participants may have a wide range of education and literacy levels.
- 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 some of the more complex issues relating to the legislation or case law.
- Feel free to intervene and help with examinations or procedure.
- Try to keep students to the time restrictions as much as possible.
- Remind students to speak up or slow down.
- If you will be giving feedback to the students at the end of the hearing, take note of each participant's name so that you can individualize 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:
  - 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?

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