



Tips for the Lawyer Coaching Process



ONTARIO BAR ASSOCIATION
L'ASSOCIATION DU BARREAU DE L'ONTARIO
A Branch of the Canadian Bar Association
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To lawyer coach volunteers:

Thank you for volunteering your time and your expertise to coach a mock trial team. You will almost certainly be impressed with the skills and abilities of the students who participate in this program, and what they can accomplish with your assistance.

To teachers:

Thanks for taking on the challenge of building a mock trial team and competing in a tournament. Lawyer coach volunteers are here to help, and will take their guidance from you as to what the group needs. One of the biggest issues in the process is teachers finding that it's hard to get the whole team together at one time for a meeting, and therefore not booking meetings with lawyer coaches for fear of wasting their time.

Please don't worry about getting the whole team together if it is a real challenge. If some of the students are available, and the lawyer is available, and you've done some initial prep, have a meeting to make use of your lawyer coach's advice. The students who meet with the lawyer can relay what they learned back to the rest of the team. You may find that your "team" is a somewhat fluid group of students to begin with, and that's okay. Meeting with a lawyer coach is usually a crucial moment for making the experience "real", solidifying student interest, and focusing your case prep – so do not delay too long.

The lawyer coaching experience has led to the building of many positive relationships between lawyers, teachers and students, to the benefit of all. This document contains tips to guide you in the process.

The Ontario Bar Association and the Ontario Justice Education Network thank all lawyer coaches and teachers for this crucial contribution to students' learning experiences and the high school competitive mock trial program.

Lawyer coaches are welcome to attend the tournament day with their team, but are not expected or required to do so.

If you have any questions or issues that come up during the coaching phase, contact your local coordinator (the person who contacted you to match you up).

For questions about the program rules, format, etc., contact the OOCMT program manager, Amelia Berot-Burns at aberotburns@ojen.ca

Before the first session ...

- **Discuss where the team is at with their preparation**

Teachers who are familiar with the program may have already done considerable preparation with their team, while newer teachers may need more assistance to cover more the basics.

- **The coach should review the materials, available on ojen.ca/oocmt**

There are three core documents:

1. The **Tournament Case** for the year. Every year, teams work on and argue both sides of one case (though they may also practice with others).
 2. The **Official Rules**, which governs the tournament and make some modifications to adapt actual court rules and procedure to the mock trial tournament.
 3. The **Tournament Guide**, aimed primarily aimed at students and teachers, elaborates of some aspects of the Rules. It also provides basic advice on playing lawyer and witness roles, etc. **It is not necessary for lawyer coaches to review the Guide.** However, you may wish to consult it for more information on the program and if any questions arise about the tournament over the course of coaching.
- **The target amount of coaching sessions is four per team.** Therefore, if a team has two coaches, each coach should do two sessions (whether there are one or two coaches depends on the tournament and will be agreed with the lawyer coaches when they sign up). Some coaches will, if their schedule allows, meet with their team for more sessions, but you are under no obligation to do so. Sessions are usually about an hour long.
 - **Plan sessions in advance** to ensure that the minimum number of sessions take place. You could also consider scheduling an initial session, and at that point discuss the rest of the schedule once both teacher and lawyer coach have a better idea of where the team is at.

What to do at coaching sessions ...

The first session may include, depending on the team's level of preparation:

- Answering questions about trial practice and procedure
- Listening to and discussing the team's approach to the case to date
- Helping the team identify the key issues relevant in the case; for example, what facts are good and bad for each side.
- Discussing general strategy and the case theories the team will pursue

Subsequent sessions may focus on:

- Developing lawyers' questioning techniques
- Developing techniques for testimony by witnesses
- Helping students with courtroom etiquette and presentation
- Observing the team act out segments of the trial

Key mock trial rules for lawyer coaches to know

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- Teams have just 10 minutes to examine their own witnesses and 10 minutes to cross-examine the other side's witnesses. There is no redirect/re-examination.
- Teams are limited to referring only to the sections of the *Criminal Code* included with the case and cannot refer to case law by name. However, a major part of the lawyer coach's role will be to clarify the relevant legal tests and elements of the offences, as the team will need to present those in the mock trial. If it's helpful to look at key case law in your preparations, then feel free to do so. There are no *Charter* issues to deal with in the mock trial.
- Teams have to prepare both sides and will play both Crown and defence at least once.
- Witnesses are required to answer questions in a manner consistent with their character's sworn statement provided in the case package or risk being "impeached".
- Teams are scored based on their performance against set criteria. A "verdict" is given, but it does not bear on the scores. Because the limitations of the mock trial make it hard to prove a case beyond a reasonable doubt, the verdict is often an acquittal, but that does not mean that teams cannot score higher than the defence if they are playing Crown.
- Lawyer coaches can help the team develop a positive attitude toward the competitive aspect of the tournament. Coaches should model civility and collegiality, and help students prepare for the fact that different judges may have differing views on the quality of their arguments and presentation.

Things students often need the most help with ...

- Developing a clear and coherent case theory, and building questions and arguments around it.
- Identifying what is truly important and going to make a difference in the case, and not getting distracted by insignificant matters. This is even more important in mock trial than in real life, because of the time constraints.
- For opening statements, being clear and concise, and avoiding excess rhetoric or argument.
- Preparing to give closing arguments which relate back to the evidence as it actually came out at trial, rather than being completely tied to a script.
- Appropriate forms of questioning; listening to witness answers and adapting questions on the spot to get out desired points.
- Remaining focused on the strategy in questioning; identifying when a desired point has been sufficiently drawn out and moving on.
- Appropriate and strategic use of objections.
- Responding effectively and not getting flustered when the judge breaks in to ask a question or an objection is raised.
- Appropriate responses to a witness who may be contradicting their sworn statement. The correct response is to cross-examine, and, if necessary, put the statement to the witness (i.e. impeach the witness), not to object to the judge.
- Most importantly, students playing lawyers will need help gaining confidence to go off-script when needed, and finding a way that works for them to be adaptable and engaged with the evidence as it plays out at trial. The more students can gain comfort with this, the better they will do.