

INTERNATIONAL CRIMINAL LAW MOCK TRIAL JUSTICE SECTOR VOLUNTEER

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For this OJEN mock trial, there are three packages:

- » OJEN International Criminal Court Mock Trial Scenario
- » OJEN International Criminal Court Mock Trial Role Preparation Package
- » OJEN International Criminal Court Mock Trial Justice Sector Volunteer Package

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

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



PURPOSE OF A MOCK TRIAL

The purpose of a mock trial 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; and
- Encourage students to consider careers in the justice system.

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

TIME CHART FOR MOCK TRIAL

TIME CHART	1. Registrar calls to order, calls case and counsel introduces themselves	1 min
	2. Prosecutor's opening statement	2 mins
	3. Defense's opening statement	2 mins
	4. Victim's Counsel's opening statement	2 mins
	Prosecutor's Case	
	5. Prosecutor's direct examination of Prosecutor's first witness	3 mins
	6. Defense's cross-examination of Prosecutor's first witness	3 mins
	7. Victim's Counsel's cross-examination of Prosecutor's first witness	1.5 mins
	8. Prosecutor's direct examination of Prosecutor's second witness	3 mins
	9. Defense's cross-examination of Prosecutor's second witness	3 mins
	10. Victim's Counsel's cross-examination of Prosecutor's second witness	1.5 mins
	Defense's Case	
	11. Defense's direct examination of accused	3 mins
	12. Prosecutor's cross-examination of accused	3 mins
	13. Victim's Counsel's cross-examination of accused	1.5 mins
	14. Defense's direct examination of witness for the accused	3 mins
	15. Prosecutor's cross-examination of witness for the accused	3 mins
	16. Victim's Counsel's cross-examination of witness for the accused	1.5 mins
	Victim's Counsel's Case	
	17. Victim's Counsel's direct examination of Victim's Counsel's witness	3 mins
	18. Prosecutor's cross-examination of witness	3 mins
	19. Defense's cross-examination of witness	3 mins
	Closing Arguments	
	20. Prosecutor's closing arguments	2 mins
	21. Defense's closing arguments	2 mins
	22. Victim's Counsel's closing arguments	2 mins
	23. Judges deliberate and render verdict	2-10 mins
	24. Presiding judge gives feedback and discusses International Criminal Trial process, etc.	

LAWYER COACHES: PREPARING YOUTH FOR A MOCK TRIAL

The role of a coach in a mock trial 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). Trials that are overly competitive can be less rewarding experiences for students.

Although most of the coaches' time will be spent preparing counsel and perhaps witnesses, 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 trial, is a valuable part of the experience.

KEEP IN MIND:

- Students may need coaching on proper trial etiquette and procedure (such as when to stand up, how to refer to the opposing counsel, etc.).
- For most secondary school mock trials, 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.
- 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 trial coordinator.
- Prompting from coaches is not permissible during most tournaments and mock trials. Students (especially those playing the part of the counsels) 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 trial.

SUGGESTIONS FOR COACHING A MOCK HEARING:

- Review all material beforehand, and assess what your team is attempting to accomplish during the trial.
- If you are working with either the Defence counsel, the Victim's counsel or the Prosecutor, begin by outlining the legal issue at play to help your group understand what they are trying to prove or defend at the trial. 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 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 comfortable with how the trial process works.

MOCK TRIAL JUDGES: JUDGING A MOCK TRIAL

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

The role of a judge in a mock trial is to preside over the trial 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 trials, judges are also asked to give comments to each of the lawyers and witnesses after the trial (positive feedback and constructive criticism).

You will act as the presiding judge in this mock trial. Remember that the two other judges sitting alongside you will likely be students. You may need to guide them in their critical thinking process of the case they've just heard before rendering your verdict.

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 trial etiquette and procedure (such as when to stand up, how to refer to the opposing counsel, etc.).
- For most secondary school mock trials, 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.
- 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 some of the more complex issues relating to the legislation.
- 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 trial, 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 trial/tournament rules, and find out the answers to issues such as:
 - Are students permitted to confer with their coaches during the trial?
 - If the opposing team deviates from the fact pattern, should students object during the trial?
 - If students go over time in a competitive event, are points deducted?

A sample **marking scheme for judges, mock trial rubric** and **mock trial performance rating sheet** may be found in the OJEN resource, *Making the Case: Mock Trial Toolkit*, available on the OJEN website: www.ojen.ca