

ACKNOWLEDGEMENTS

These materials are based in large part on those of the Ontario Bar Association, Branch of the Canadian Bar Association, which in turn were based on materials developed by the Faculty of Extension at the University of Alberta, the Legal Services Society of British Columbia, the Ministry of the Attorney-General of British Columbia, and Community Legal Education Ontario. The Law Day Committee of the Canadian Bar Association Saskatchewan Branch would like to thank the OBA for permission to use and adapt its materials.

I. INTRODUCTION

The Canadian Bar Association (CBA) sponsored Canada's first Law Day on April 18, 1983. This date was chosen because it marked the first Monday following the anniversary of the proclamation of the Canadian Charter of Rights and Freedoms. Subsequent Law Days have been held on April 17, the anniversary date of the Charter's proclamation.

The purpose of Law Day is to promote amongst Canadians an increased awareness of their legal rights and obligations. It is a national event, and legal issues are debated and discussed across the country: in public forums, in schools, on radio and television shows. Many communities hold open houses at the local courthouse, complete with displays and dramatic presentations.

II. MOCK TRIALS AND MOCK TRIAL TOURNAMENTS

Mock trials are one way to involve students in re-creating the dramatic centre of the justice system. Such a "hands-on" learning activity will require students to master the basic facts about courtroom procedures that are essential to understanding how the legal system works. It is also a co-operative activity, requiring student teams to work together to prepare their part of the trial. It involves weighing evidence and organizing rational argument and it requires consideration of concepts like "innocent until proven guilty" and the relationship between crime and punishment. Preparing and presenting a mock trial should do all of these things and it should be fun.

The following sets out some of the attitudes, knowledge and skills inherent in a mock trial exercise:

Attitudes: Participation in a mock trial will foster an appreciation of:

- What it feels like to be a person involved in a trial;
- The legal mechanism used to resolve disputes;
- Considerations affecting decisions about guilt, innocence, and sentencing;
- The role of a trial as a vehicle of justice and fairness in our society.

Knowledge: Participation in a mock trial will encourage the acquisition of information regarding:

- Roles of courtroom personnel;
- Formalities, sequencing and physical setting of a courtroom for a trial.

Skills: Participation in a mock trial will encourage the acquisition of, or increase skills pertaining to:

- Questioning techniques;
- Critical analysis;
- Decision-making;
- Oral advocacy.

III. TOURNAMENT RULES

General

1. Because the mock trial is primarily an educational exercise, some flexibility is allowed in the structure of the tournaments. Depending on the number of teams involved and the time available, both the regional and provincial competitions can be either single elimination or round robin in design. In single elimination tournaments, teams are matched up and the winner of each pair advances to the next round. If there is an odd number of teams in any round, one team will be selected to automatically advance to the next round. The rounds continue until a single winner is chosen from the final pair of teams. If time and resources permit, a round robin tournament may be held. In this case, each team plays once as prosecution and once as defence. The judge will determine the best overall team.
2. A team consists of six students. Each student is assigned two roles – one on the prosecution side and one on the defence side. They may be a witness or a lawyer. The role of a student on one side does not have to affect their role on the other side. For example, a student who plays a witness for the prosecution may be a lawyer when the team acts for the defence.
3. In each round of the competition, each team is assigned to represent one side of the case, prosecution or defence. Teams must prepare for roles on both sides.
4. Decisions of the judge are final. Judges are instructed to deliver two decisions: the case verdict and team performance. The team performance, not the case verdict, determines which team wins the round.
5. The performance of all witnesses and lawyers on the team will be considered and evaluated using the Performance Rating Sheet (attached).
6. All roles can be performed by either male or female students.
7. Teams must adhere to the time limits set by tournament organizers.
8. Trial proceedings are to be governed by the Simplified Rules of Evidence (attached) – other more complex rules are not to be raised during the mock trial enactment.
9. The usual rules of courtroom decorum apply to all participants. Appropriate dress is required.
10. During the actual trial, teachers, legal advisors, and all other observers may not talk to, signal, or otherwise communicate with or in any way coach their teams.

Specific Rules for Team Lawyers

1. Before proceeding with their opening statements, each team of lawyers should have one of its members introduce the team to the presiding judge:

“Your Honour, my name is Mr./Ms. _____.
My colleagues are Mr./Ms. _____.
Mr./Ms. _____, Mr./Ms. _____ and Mr./Ms. _____.”

2. Each of the team’s four lawyers must engage in either the direct examination or cross-examination of a witness. This means that two lawyers will perform direct examinations of their own witnesses, and the other two lawyers will perform cross-examinations of the opposing team’s witnesses.
3. Any two lawyers on a team may perform the opening and closing statements. However the lawyer who presents in the opening statement may not make the closing statement in the case.
4. Lawyers may use notes in presenting their cases.
5. Fact sheets may not be disputed at the trial. Lawyers must not interrupt to point out to the judge that the other side is deviating from the fact sheet. The judge will be aware of this and will consider it when evaluating the performance of the offending team.
6. Each lawyer should be familiar with and follow the Code of Professional Conduct including, specifically, the Unfair Deviation Rule (attached).

Specific Rules for Team Witnesses

1. As with lawyer roles, each team must have witnesses prepared to take either side of the case. The student playing a witness when the team has the prosecution role may be a lawyer when the team has the defence role and vice versa.
2. All witnesses, including the accused, must take the stand.
3. Witnesses are not permitted to use notes when testifying during the trial. Exception: police officers can use notes.
4. Each witness is bound by his/her fact sheet and should obey the Unfair Deviation Rule. The only time it may be necessary to create a fact is if a cross-examining lawyer asks a question which is not answered by the fact sheet.

Time Chart

The following chart sets out the order of events and the time limits that will be used in the Mock Trial Tournament. The Court Clerk will be responsible for timing each participant. The Clerk will have the discretion to allow some additional time in situations where there are objections raised or where the judge asks the lawyers or witnesses questions.

Event	Person	Time Limit
Call to Order Reading of the charge Entering of the plea	Court Clerk	About 2 min.
Opening Statement	Crown Prosecutor	4 min.
Direct Examination of first Crown Witness	Crown Prosecutor	6 min.
Cross Examination of first Crown Witness	Defence Lawyer	4 min.
Direct Examination of second Crown Witness	Crown Prosecutor	6 min.
Cross Examination of second Crown Witness	Defence Lawyer	4 min.
Opening Statement	Defence Lawyer	4 min.
Direct Examination of first Defence Witness	Defence Lawyer	6 min.
Cross Examination of first Defence Witness	Crown Prosecutor	4 min.
Direct Examination of second Defence Witness	Defence Lawyer	6 min.
Cross Examination of second Defence Witness	Crown Prosecutor	4 min.
Closing Arguments	Defence Lawyer Crown Prosecutor	4 min. 4 min.

IV. TOURNAMENT ROLES

Crown Prosecutor

A. *Introduction*

In our society when a crime is committed it is the state that prosecutes the accused, not the victim. The Crown Prosecutor is a lawyer who represents the state. Because the state has a great deal of resources with which to prosecute crimes and because the penalties can limit a person's constitutional rights, our justice system requires that the Crown prove beyond a reasonable doubt that the accused is guilty of the crime. Proving the guilt of the accused means proving that on a certain date, in a certain place, the accused committed certain acts, which make up the crime.

Every crime can be broken down into individual parts called "elements". For example, the elements of the crime of assault are as follows:

- That the accused physically contacted the victim;
- That the victim did not consent to this physical contact;
- That the contact caused injury to the victim which was not trivial in nature; and
- That the accused intended the physical contact.

Another feature of our justice system is that we presume the accused to be innocent until proven guilty. This means that the Crown must prove its case before the defence presents any evidence. Accordingly, the students with the Crown Prosecutor role must know what evidence is required to prove their case and ensure that all of the evidence is put before the court using only the two Crown witnesses. The Crown Prosecutor cannot rely on defence witnesses to prove its case. The following points will help you to prepare for the role of the Crown Prosecutor:

B. *Prepare Your Case*

1. Read the indictment. It will tell you what crime the police believe has been committed as well as when and where they believe it was committed. It will also tell you who has been accused of committing the crime.
2. Read the applicable law. Pick out all the elements so that you know what you have to prove about the crime. Consider having a Legal Advisor come in to discuss the elements of the crime and other aspects of the law. The name of a volunteer Legal Advisor can be obtained from the Regional Law Day Chairperson.
3. Review the witness statements and find out the following information:
 - What happened?
 - Where?
 - When (date and time)?
 - Who was at the scene of the crime?
 - Is there evidence of any other elements of the crime (e.g. intention)?
4. Practice asking your witnesses questions so they are relaxed and able to tell their accounts of the crime. Remember that you can't ask leading questions in direct examination during the trial.

C. *Plan What Information You Need to Prove Your Case*

1. Prepare and bring a list of all the facts that you think prove the elements of the crime.
2. Decide which witnesses you will call and determine which facts they can prove. Each fact necessary to prove the elements of the crime must be proven by a Crown witness.
3. Decide in which order you will be calling your witnesses and how you will order the questions you ask. Try to start at the beginning of the incident and continue to the end.

D. *Plan How to Get Your Information Into Court*

(a) *The Opening Statement*

1. The opening statement is your first chance to inform the judge of the nature of the case and to acquaint the court with the essential facts. Argument, discussion of law or objections are not permitted by Defence counsel. This is a very important part of the case. It is your chance to set out in a clear way what facts you intend to prove.
2. Things you should include in your opening statement are as follows:
 - The Name of the case.
 - Your name and your colleague's name(s).
 - Opponent's name and counsel.
 - The facts and circumstances that led to the charge.
 - The reason why you think the accused is guilty.
3. Avoid the following in your opening statement:
 - Too much detail. It will only tire and confuse the judge.
 - A description of what each eyewitness will testify to.
 - Exaggeration and overstatement. Don't use such phrases as "prove it to a mathematical certainty", or "prove it absolutely beyond question."
 - Argument. It violates the function of the opening and you risk rebuke from the bench.
 - Anticipating the defence. It is improper and might result in a mistrial.
 - Walking or pacing. It distracts and irritates the judge.

(b) *Examination in Chief (Direct Examination) of Witnesses*

1. Familiarize yourself with the Simplified Rules of Evidence and the Tips on Direct Examination.
2. In direct examination, the lawyer asks the witness questions designed to get the witness to tell what happened. The lawyer must listen to the answers the witness gives to make sure that all the relevant evidence comes out. A lawyer cannot ask leading questions in direct examination. The difference between leading and non-leading questions is explained in Tips for Direct Examination. Also, as with all witnesses, hearsay and opinion is not permitted. The rules with respect to hearsay and opinion are discussed in more detail in the Simplified Rules of Evidence.
3. If you plan to enter exhibits, you should check to be sure they are entered properly. Exhibits must be entered according to the Simplified Rules of Evidence.

E. *Anticipate Your Opposition*

1. Once you have prepared your case, you should spend time thinking about the other side's case. Place yourself in the Defence lawyer's shoes and ask yourself what points she or he will try to make. Make sure they have been covered by your own witnesses.
2. Be ready to question the Defence lawyer's witnesses on points where they disagree with the evidence of your witnesses. This questioning is called cross-examination.
3. In cross-examination you may ask leading questions of witnesses called by the Defence. Your job in cross-examination is to show any biases, mistakes or contradictions in the witness's testimony and to bring out further evidence concerning the case. You will ask questions to pinpoint specific information which you want made clear, such as:
 - Was the traffic light red?
 - Did the thief have curly hair?
 - Could the falling snow have impaired your vision?
4. Be careful not to harass the witness because that will only confuse the witness and may influence the judge against you or your case.
5. Each lawyer has a responsibility to see that the evidence is presented correctly. Thus, if you think the Defence lawyer is not following the rules of evidence, you should object to the questions. Descriptions and examples of objections are provided in the Simplified Rules of Evidence.
6. Once an objection is made, the judge stops the examination and may ask Counsel to explain why he or she is pursuing that line of questioning. The judge then makes a decision as to whether the objection is to be overruled (in which case the examining lawyer may continue) or sustained (in which case he or she must withdraw the question).
7. More suggestions are contained in the Tips for Cross-Examination.

F. *Prepare Your Summation*

1. Be sure you tell the judge how you have proven your case. The crown must prove:
 - The date
 - The place
 - That the crime was committed
 - That the accused is the culprit
 - That all the elements of the crime have been fulfilled

Defence Lawyer

A. Introduction

The defence lawyer's job is to protect the rights of the accused. Because the Crown must prove its case beyond a reasonable doubt, the defence only needs to raise a reasonable doubt about one element of the offence. In other words, the defence does not have to prove the accused is innocent of the crime. A defence lawyer may be able to raise a reasonable doubt about the accused's guilt simply by cross examining the Crown's witnesses so that the defence does not even need to call any witnesses. Furthermore, because of the accused's right to silence, the accused cannot be forced to testify. However, in this mock trial all witnesses must be called, including the accused.

B. Prepare Your Case

1. Read the indictment. It will tell you what crime the police believe has been committed as well as when and where they believe it was committed. It will also tell you who has been accused of committing the crime.
2. Read the applicable law. Pick out all the elements so you know what the Crown must prove about the crime. Consider having a Legal Advisor come in to discuss the elements of the crime and other aspects of the law. The name of a Legal Advisor can be obtained from the Regional Law Day Chairperson.
3. Review the witness statements and find out the following information:
 - What happened?
 - Where?
 - When (date and time)?
 - Who was at the scene of the crime?
 - Other elements of the crime: for example, intention?
4. Remember that the Crown has to prove these facts as well as all the elements of the crime set out in the law.
5. Practice asking your witnesses questions so that they relax and are able to tell their accounts of the crime. Remember that you may not ask them any leading questions in direct examination during the trial.

C. Anticipate Your Opposition

1. Your first task in protecting the rights of the accused during the trial is to be prepared to question witnesses that the Crown calls. Place yourself in the Crown Prosecutor's shoes and ask yourself what points she or he will try to make.
2. In cross-examination you may ask leading questions of witnesses. Your job in cross-examination is to show any biases, mistakes or contradictions in the witness's testimony and to bring out further evidence concerning the case. Therefore, you will ask questions to pinpoint specific information which you want made clear, such as:
 - Was the traffic light red?
 - Did the thief have curly hair?
 - Could the falling snow have impaired your vision?

3. Be careful not to harass the witness because that will only confuse the witness and may influence the judge against you or your case.
4. Each lawyer has a responsibility to see that the evidence is presented correctly. Thus, if you think the Crown Prosecutor is not following the rules of evidence, you should object to the questions. Descriptions and examples of objections are provided in the Simplified Rules of Evidence.
5. Once an objection is made, the judge stops the examination and may ask counsel to explain why she or he is pursuing that line of questioning. The judge then makes a decision as to whether the objection is overruled (in which case the examining lawyer may continue) or sustained (in which case the question must be withdrawn).
6. If the Crown enters exhibits you should check to be sure they are entered properly. Exhibits must be entered according to the Simplified Rules of Evidence.
7. More suggestions for cross-examination can be found in Tips on Cross-Examination.

D. *Plan How to Get Your Information Into Court*

(a) The Opening Statement

1. The defence lawyer wants to use his or her opening statement to deny that the Crown has a valid case, and to briefly outline the facts from the standpoint of the defendant. Objections by the Crown are not permitted at this time. As with the Crown's case, an opening statement is an important part of the case. It gives defence counsel the chance to explain in a clear way the facts that raise a reasonable doubt about the accused's guilt.
2. Be sure to include the following:
 - Your name and your colleagues' names.
 - General theory of the defence.
 - Facts that tend to weaken the Crown's case.
 - Why you think the Crown has not proven their case.
3. Things to avoid include the following:
 - Repetition of facts that are not in dispute.
 - A description of exactly what each witness will testify to.
 - Exaggeration and argument.
 - Strong points of the Crown's case.
 - Walking or pacing – it distracts and irritates Judges.

(b) Examination in Chief (Direct Examination) of Defence Witnesses

1. Familiarize yourself with the Simplified Rules of Evidence and the Tips on Direct Examination.
2. Although the accused normally has the right to remain silent, all Defence witnesses are to be called for the purposes of this mock trial enactment. Since you will be calling the accused, you will probably want to call her/him as the first Defence witness.
3. In direct examination the lawyer asks the witness questions designed to get the witness to tell what happened. The lawyer must listen to the answers the witness gives to make sure all the evidence comes out. A lawyer cannot ask leading questions in direct examination.

The difference between leading and non-leading questions is explained in Tips for Direct Examination. Also, as with all witnesses, hearsay and opinion evidence is not permitted. The rules with respect to hearsay and opinion are discussed in more detail in the Simplified Rules of Evidence.

4. If you plan to enter exhibits, you should check to be sure they are entered properly. Exhibits must be entered according to the Simplified Rules of Evidence.

E. *Prepare Your Summation*

1. The Crown prosecutor must prove everything about the crime. The Crown must prove:
 - The date
 - The place
 - That the crime was committed
 - That the accused is the culprit
 - That all the elements of the crime have been fulfilled

The crown must prove all these things to a certainty, that is *beyond a reasonable doubt*. If the Crown has failed to prove any of these things you should point that out to the judge.

Witness or the Accused

A. *Introduction*

Witnesses and the accused are the people who have seen or experienced the event in question. Their task is to answer the lawyer's questions. They must answer clearly and truthfully so that the judge can understand what really happened.

A trial is a formal event. Your teacher has materials that outline the correct steps for holding a trial. *Make sure you know what the steps are and why they happen*, before you begin the trial.

B. *Preparing For Trial*

1. Read the fact sheets.
2. Determine what happened and how you became involved.
3. If you find that there are details you must add, speak to your teacher about them. Familiarize yourself with the Unfair Deviation Rule in the Mock Trial Code of Professional Conduct.

C. *At the Trial*

1. You should remember that a witness gives information not only through the words he says but also through manners, clothes and attitude. Your dress and manner should reflect the character you want to show.
2. During the trial, answer the lawyers' questions as honestly as possible. A witness's evidence is the only information a judge has about what happened. Familiarize yourself with the Unfair Deviation Rule.
3. Tell your story to the court as clearly and completely as you can, without prompting.

4. After you give your evidence, you will be cross-examined by the lawyer representing the other side. The lawyer will ask questions about parts of evidence. Answer her or his questions clearly but as briefly as possible.
5. If a lawyer asks you a question that you can't answer, tell him or her you don't know.

V. EVIDENCE AND PROCEDURE

Simplified Rules of Evidence

Court procedure and the rules of evidence are some of the most difficult things to learn. However, knowing court procedure and the rules of evidence is essential to a good trial. Judges make their decisions based on the evidence before them, and they will only accept evidence if it is presented according to the rules of evidence. It is important to understand that the rules of evidence are not “technicalities”. They have evolved over hundreds of years, and are based on the idea that some sources of information are more reliable than others. This does not mean the rules are perfect – in fact, the courts sometimes conclude that a certain rule has outlived its usefulness and will abolish it. Nonetheless, our justice system has found that the rules of evidence are, for the most part, important to a fair trial.

Most of the rules of evidence deal with whether or not evidence is admissible - only “admissible” evidence is considered by a judge in making his or her decision. Evidence can be inadmissible for a number of reasons. For example, confessions made under threat of torture are inadmissible because history has shown that people under duress will confess to things they didn't do. In this example, evidence is deemed to be inadmissible because it is not reliable. Occasionally, evidence will be inadmissible even though it is reliable. For example, evidence obtained in an unconstitutional manner (for example, illegal search or seizure by police) is often inadmissible for policy reasons. Our society has decided that if evidence obtained in an unconstitutional manner was admissible, it may encourage the police to disregard our constitutional rights. This sometimes leads to the impression that useful evidence is excluded for “technical reasons”.

For the purposes of the Mock Trial Tournament, the rules of evidence have been simplified and condensed. Participants are only expected to know, **and may only use**, the rules of evidence and court procedure as outlined in these materials.

A. *Rules for Entering Exhibits*

1. Evidence gets before the court in two ways: through oral testimony of witnesses, and through exhibits. Roughly speaking, there are three types of exhibits:
 - Real Evidence;
 - Demonstrative Evidence; and
 - Documentary evidence.
2. Real Evidence refers to the actual objects that played a role in the events that gave rise to the trial. For example, a bloodied shirt worn by an accused when arrested or a bullet casing with the accused's fingerprints on it may be real evidence useful to the trial. Photographs of the crime scene are also considered real evidence in some cases. For example, a photograph of an intersection showing how a stop sign is obscured by tree branches would be real evidence.

3. Demonstrative Evidence refers to exhibits that are used to illustrate a witness' testimony. For example, models, graphs or drawings can be used to explain or illustrate the testimony of a witness. For example, a witness testifying about how an accident occurred could refer to the diagram of an intersection in order to more clearly explain what the witness observed.
4. Documentary Evidence refers to written documents such as notes, police records, business records or letters. The relevance of Documentary Evidence is usually related to the contents of the documents. For example, a police report may be used to cross-examine a police officer where the officer's oral testimony conflicts with what is contained in the report.
5. For exhibits to be used as evidence, the lawyer offering the exhibit must establish a foundation for the exhibit.
 - To establish a foundation for the exhibit, the lawyer introducing an exhibit has to have a witness verify under oath that the exhibit is, in fact, genuine.
 - For example, a police officer can lay the foundation for a knife (real evidence) found at a crime scene if he or she is the person who found it there.
 - Likewise, a person who witnessed an accident at an intersection can verify that a diagram (demonstrative evidence) accurately represents that intersection.
 - Finally, a person who wrote a letter (documentary evidence) can testify that the exhibit is in fact the letter that he or she wrote.
 - The key to establishing the foundation for an exhibit is to have a witness who has direct personal knowledge of the exhibit.
6. The following are three examples of how to establish the foundation for different types of exhibits. One example is provided for each of the three types of exhibits, real evidence, demonstrative evidence, and documentary evidence.

Example 1: Real Evidence

Q: Ms. X, I am showing you a kitchen knife. Do you recognize this knife?

A: Yes I do. That was the knife I found in the dumpster behind my restaurant.

Q: Your Honour, could I have this marked as an exhibit?

This may well be all you need to ask this particular witness depending on what else she saw. If you are trying to establish that the accused used the knife in the commission of a crime, you will next have to call the police officer who found the accused's fingerprints on the knife. You would establish with a similar line of questioning that the knife was the same one that the police officer tested for fingerprints. However, you would not have to have it marked as an exhibit again.

Example 2: Demonstrative Evidence

Q: Mr. X I am showing you a diagram of the intersection where the accident occurred. Does it accurately reflect your recollection of the intersection?

A: Yes.

Q: Your Honour could I have this marked as an exhibit?

The lawyer can then proceed to have the witness draw on the diagram where he saw the pedestrian get hit. It is not good enough for the witness just to point to the diagram because the transcript won't capture the details of the witness's testimony. By having the witness draw on the diagram of the intersection, the judge will be able to look back at the exhibit after the trial and see what the witness indicated.

Example 3: Documentary Evidence

Q: Ms. X I am showing you a cash register receipt for two items – a toothbrush and a tube of toothpaste. Do you recognize this receipt?

A: Yes.

Q: How is it that you recognize it?

A: The cash registers in my store print out the name of my store on the top, like it is on this receipt.

Q: Your Honour may I have this made an exhibit?

The lawyer can then go on to establish, for example, that the owner asked the accused to empty his grocery bag and found a shoplifted item as well as the two items paid for.

7. In all of these examples, some of the questions may seem a bit obvious. For example, you may ask why it is necessary for a lawyer to tell the witness that he or she is showing the witness a kitchen knife. However, remember that in a real trial a transcript of all of the testimony will be prepared. The transcript is used by the judge to review what was said at trial. It is important that the transcript identify in words the visual aspect of the live trial. Students who will be asking questions of witnesses should think about how their questions will appear on paper.

B. Oral Testimony

As already mentioned, information becomes evidence either by being an exhibit or through oral testimony. In the mock trial, most of the evidence will be through oral testimony. Often, oral testimony of the witnesses will conflict. Where there are conflicts, they will either be due to different perceptions of the witnesses or because one witness is not being honest. If you think a witness is lying, ask them questions that will uncover the lie. On the other hand, if you think the witnesses just perceived things differently, then ask questions that will show why your witness's perception is more reliable.

The following are specific rules that deal with the admission of oral testimony as evidence:

(a) Hearsay

1. Hearsay is not admissible if it is offered to prove the contents of the statement.
 - Like the name suggests, hearsay is evidence that the witness "heard was said". For example suppose a witness testifies that she was told by the passenger of a vehicle that the driver was drunk. The witness did not observe the driver's intoxication herself. Instead, she is only able to tell the court that someone else told her the driver was drunk. In general, this type of testimony is not allowed because it is hearsay.

- The reason hearsay is not permitted is that there is no way to test the truth of the statement that the witness heard. The following example demonstrates how limited the information of a hearsay witness is.

Hearsay Witness	Non-Hearsay Witness (the Passenger)
Q: Was the driver drunk? A: The passenger I talked to said the driver was drunk	Q: Was the driver drunk? A: Yes she was
Q: How many drinks did the driver have? A: I don't know, the passenger didn't tell me	Q: How many drinks did the driver have? A: I saw her have 4 beer
Q: When did the driver last have a drink? A: I don't know	Q: When did the driver last have a drink? A: About 20 minutes before she left in the car
Q: Did the driver's breath smell of alcohol? A: I don't know, I assume it did	Q: Did the driver's breath smell of alcohol? A: Yes, it was very noticeable in the car

- Now imagine trying to cross-examine each witness. The non-hearsay witness (the passenger) has direct knowledge of the facts he testified to. Accordingly, in cross-examination the lawyer can test the passenger's interpretation and perception of events. In contrast, all the hearsay witness is able to testify to is what she was told by the passenger. Any cross-examination would be limited to whether or not the hearsay witness accurately heard what the passenger said. Cross-examining the hearsay witness doesn't help in getting at the truth of the actual issue, namely whether or not the driver was drunk. In contrast, questions asked of the passenger directly address the issue of whether the driver was drunk.
- More examples of hearsay can be found under the heading "Objections".

(b) *Opinion Evidence*

1. Opinion evidence is evidence in which the witness draws a conclusion based on a set of facts.
 - Suppose a witness saw a car that had numerous dents all over the body, and the witness saw a hammer lying nearby on the sidewalk. Those are facts. Saying that the car had been dented by the hammer is an opinion.
2. A "lay witness" (i.e. a witness who is not qualified as an expert) is not allowed to give opinion evidence except in limited circumstances.
 - A lay witness can give an opinion on such things as the speed a vehicle was travelling, whether a person was drunk, the height, age or weight of another person, and whether another person was happy, angry, scared, etc.

- These opinions are allowed because they are thought to be within the normal experience of every person, and even though they are opinions, it would be too difficult to restrict the witness to pure facts
3. An expert witness is allowed to give opinion evidence.
 - An expert witness can provide opinions because they have special knowledge which makes them better able to draw certain conclusions from the facts.
 4. An expert witness must be properly qualified to offer an expert opinion.
 - Before accepting expert opinion evidence, the court has to be satisfied that the witness is qualified to give such an opinion.
 - The following set of questions is an example of how to have an expert accepted by the court (note that leading questions are permitted when qualifying an expert):

Q: I understand that you have been trained in fingerprint identification. Can you tell us what training you have?

A: Yes, I have successfully complete the RCMP Fingerprint Training Program at the Centre for Forensic Sciences, and I have attended three upgrading sessions which have allowed me to be certified for advanced fingerprint recovery and analysis. [Note that these qualifications are fictional, you can come up with your own description of qualifications for any expert witness you might be calling.]

Q: Does your training allow you to compare fingerprints and determine whether the prints come from the same individual?

A: Yes.

Q: How long have you been doing this kind of work?

A: I've been certified for 4 years.

Q: Your Honour, I would like to tender this witness as an expert in fingerprint identification.
 - At this point, the Judge may ask the opposing lawyer whether he or she has any objection or would like to cross-examine the witness on his or her credentials. Once any challenges to the witness's qualifications are done, the judge will rule on whether the witness can give expert testimony and the scope of that testimony.
 - Notice that the witness was tendered as an expert "in fingerprint identification", not as simply "an expert witness". An expert witness is only entitled to offer opinion evidence within the scope of their expertise. For example, this fingerprint expert should not be allowed to provide an opinion on DNA evidence. The opposing lawyer should be careful to listen to the qualifications of the expert, and then make sure that the expert is only being offered as an expert within the scope of those qualifications.

(c) *Objections*

The rules of evidence are meant to ensure that the judge only considers reliable and relevant evidence when making his or her decision. When one lawyer believes that certain questions or evidence are not within the rules of evidence, that lawyer can make an objection. After explaining the basis for the objection to the judge, and after the judge gives the other lawyer a chance to respond, the judge will rule on whether the objection is sustained (i.e. the judge agrees that the objection is valid) or overruled. Objections can be made either to a question asked of a witness, or to the answer provided by a witness. The following objections will be allowed in the mock trial tournament:

1. Leading Question

- Generally, leading questions are not permitted in direct examination. Leading questions are permitted, however, when the questions relate to basic things like establishing the witness's name, age, or the qualifications of an expert witness. Leading questions are also permitted in cross examination. In fact, cross-examination should largely consist of leading questions.
- See Tips on Direct Examination for examples of leading questions.

2. Assuming Facts Not in Evidence

- This objection can be made where the witness is required to assume some fact that has not been "proven". Here, "proven" just means that some evidence has been offered to support the fact. Whether or not the judge will agree that the evidence establishes the fact will not be known until the end of the trial.
- The following is an example of the use of this objection:

In the following question, the witness can't answer "yes" to having asked for an advance without implicitly agreeing that he was short of money. Assume that no evidence has been led with respect to whether the witness was short of money or had asked for an advance.

Q: Because you were short of money, you asked your boss for an advance on your paycheque didn't you?

The solution is to ask two separate questions:

Q: You asked your employer for an advance on your paycheque didn't you?

A: Yes.

Q: And you did that because you were short of money didn't you?

A: No, I was worried that my employer was going to go bankrupt and I wouldn't get paid if I waited until payday.

3. Repetitive Question

- Once a lawyer has asked a question, she or he must move on. Variations of a question are permitted as long as the variations are trying to get at something different. You cannot ask the same question twice.
- For example, this line of questioning (in cross-examination) could give rise to an objection:

Q1: Did you have an unobstructed view of the mugging?

A: Yes.

Q2: But you said you were standing on the southeast corner of the intersection didn't you?

A: Yes.

Q3: And isn't there a hedge and a fence in between that corner and the place where the mugging took place?

A: Yes.

Q4: So wouldn't that block your view of the mugging?

A: No, the hedge and fence are both pretty low, I saw right over them.

Q5: So even though there was a fence and a hedge, you say you had an unobstructed view of the mugging?

- In the above example, Q5 is repetitive. It asks the witness exactly what was asked in Q4. In contrast, Q1 and Q4 are not repetitive, they are permissible variations. In Q1 the lawyer is asking a general question to see what the witness will say. When the witness says the view was unobstructed, the lawyer gets the witness to admit that there was a fence and a hedge in between the witness and the crime (Q2 and Q3). Having added this bit of information, the lawyer asks not just whether the witness had an unobstructed view, but whether the hedge or fence obstructed the view.

4. Argumentative Question

- An argumentative question is one that asks the witness to accept the lawyer's conclusion rather than to accept a fact.
- Consider, for example, the questions about the unobstructed view in the previous example. Suppose the lawyer doing the cross-examination had asked the following question as Q5:
Q5: You couldn't really see over the fence and hedge could you?
- This type of question invites a "Yes you did" and "No I didn't" line of questions and answers. If the lawyer has a basis for believing the witness couldn't see over the fence (e.g. if the fence was 8 feet high), then that should be put to the witness. It is improper just to argue with the witness.

5. Hearsay

- As discussed above, hearsay is evidence that doesn't come directly from a person who can be cross-examined on the truth of the evidence. Hearsay comes in many forms and can be quite difficult to identify.
- The following are some examples to help you with the concept, and to show how an objection is made. ("Q" refers to the lawyer asking the questions, "OC" refers to the opposing counsel who is making the objections, "J" is the Judge, and "W" refers to the witness.)

Example 1

- Q: When you were knocked unconscious, what did your friends do?
OC: Objection, hearsay. The witness has no direct knowledge of what her friends may or may not have done while she was unconscious.
J: Sustained.

Example 2

- Q: Where was the knife found?
A: My friend said it was in a...
OC: Objection, Your Honour, this is hearsay. The witness only seems to know what his friend told him.
J: [Looking at the questioning lawyer] Counsel, what do you say to that?
Q: Your Honour, the witness was clearly right there when his friend told him where the knife was found. That isn't hearsay.
J: [Looking at the opposing counsel] Any reply?
OC: Yes, Your Honour. The issue here is where, in fact, the knife was. The witness has no direct knowledge of that because he only knows what this friend of his told him. What the friend may have told the witness is hearsay if it is being used to establish where the knife was.
J: The objection is sustained.

Example 3

- Q: What did the accused say to you when you passed her in the hall that morning?
A: She said she was going to be at the mall that afternoon, and did I want anything really cheap.
OC: Objection, that's hearsay.
J: [Looking at the questioning lawyer] Counsel, what do you say to that?
Q: Your Honour, the accused is charged with shoplifting items at the mall. The witness heard the accused state she was going to be going to the mall. Furthermore, the accused made a comment that suggests the accused was offering to steal something for the witness. I don't think this is hearsay.
J: I'll overrule the objection. If the witness was testifying that a friend of his was asked the same thing by the accused, then I would agree it was hearsay. However, in this case, what the accused told the witness can be used to establish that the accused had the intention of stealing items from the mall. Opposing counsel can challenge this inference on cross-examination by showing that the witness is not a credible witness or that the witness's recollection is faulty. Therefore, the testimony is not hearsay.

Example 4

- Q: What happened after school that day?
A: Well, when I got home I found a note on the table.
Q: Was it this note I'm showing you now?
A: Yes.
Q: And do you recognize the writing?

A: Yes, the writing is that of the accused, my brother. He has very distinctive handwriting.

Q: Your Honour, I would like to have this note made an exhibit.

J: Mark it Exhibit 1.

Q: So to your knowledge, where was the accused when you got home from school that day?

A: The note said that the accused had gone to the park down the street.

OC: Objection, Your Honour. This is hearsay. The witness is relying on the note and has no actual knowledge of where the accused was.

Q: Your Honour, this is a note in the accused's handwriting placing him exactly where the victim's backpack was stolen. How can a written note be hearsay?

J: I'm going to allow the objection. The witness was able to testify to the fact that Exhibit 1 is a note in the accused's handwriting, stating that he would be at what turned out to be the scene of the crime. That speaks for itself. However, to go one step further, and to allow the accused's sister to testify that the accused was at the park based only on having read the note would be hearsay.

6. Lack of Foundation

- Any exhibit has to have a foundation established. This means that a person who has first hand knowledge of creating or receiving the exhibit (e.g. letters) or who can verify the accuracy of the exhibit (e.g. a photograph or diagram of the crime scene) must testify that the exhibit is what it appears to be.
- The process for laying the foundation for an exhibit is discussed elsewhere in these Simplified Rules of Evidence.
- If a lawyer attempts to introduce an exhibit without laying the proper foundation, opposing counsel can object. For example:

Q: So you saw the accident from all the way on the other side of the street?

A: Yes.

Q: Well look at this picture, look at how many bushes and shrubs there are between where you were and where the accident took place. Are you sure you could have seen everything?

OC: Objection Your Honour, No foundation has been laid for this photograph.

J: Objection sustained. We haven't even established that this is a photograph of the same street where the accident took place. Unless you establish the foundation for this photograph, it is not evidence and should not be put to the witness.

7. Speculative

- A lawyer may not ask a witness questions which require speculation on the part of the witness. The following are examples of questions that likely call for speculation:
- Q: What would have happened if you hadn't been there to stop the fight?
- Q: Why did the accused do that?
- Q: What will happen to you next?

- However, a witness is entitled to answer questions that call for reasonable estimates based on perception. There is a fine line between what is speculative and what is justified estimation, and there is room for disagreement on any particular question.
- By modifying a question slightly you may be able to make the same point without asking the witness to speculate. The following are examples of questions that likely would be allowed.
 - Q: Did it look to you like one person was in worse shape than the other when you broke up the fight?
 - Q: Was the accused angry when he did that?
 - Q: How will your injury affect your ability to play basketball?
- Because there is no firm rule for when a questions ventures into speculation, if an opposing lawyer objects to your question and the judge sustains the objection, then take a moment to see if you can rephrase the question in a way that does not call for speculation.

8. Not Letting the Witness Answer the Question

- Sometimes in cross examination, the lawyer will cut off the witness or demand just a “yes or no” answer. In some cases this can form the basis for an objection.
- The most famous unfair question is “Are you still beating your wife, sir?”. Obviously a witness who has never beaten his wife cannot answer the question by a simple yes or no. A witness is entitled to answer this sort of question fully. If the lawyer asking the question won’t allow the witness to answer the question accurately, you should object.
- In other cases, it is less clear whether a witness should be allowed to explain a yes or no answer. The reason is that cross examination is an opportunity for the examining lawyer to control the process. The witness has had the chance in direct examination to say his or her piece, and if the witness is asked a simple (and fair) yes/no question, then that is what should be provided.
- For example, suppose the witness is asked “Are you sure about that?” (this is a bad question for cross examination, but assume it slipped out by accident). The witness will almost certainly say “Yes”. That is a full answer to the question, and after realizing this was not a brilliant question, the lawyer would likely want to move on. The witness, on the other hand, may want to go on to explain why it is he or she is so certain. If the witness tries to explain, the lawyer can say something like “Thank you, you answered the question, I’d like to move on to my next question.” At this point the opposing counsel may object on the basis that the witness is entitled to explain his or her answer. Whether the objection is sustained or not will likely depend on whether the judge feels it would be unfair to require the witness to be limited to yes or no.

VI. TIPS ON DIRECT EXAMINATION

Direct examination (also known as examination in chief) refers to the questions asked by a lawyer to the witnesses that she or he calls. The two most important things to remember about direct examination are (1) stick to the relevant information, and (2) you may not ask leading questions except for introductory or uncontested matters.

1. **The fact sheet and witness statements contain more information than is required for either prosecuting or defending the case.** When planning for the role of the Crown, students should determine the facts they need to prove all the elements of the offence, and then look at the witness statements to see which facts are not needed to prove the offence.

For example, if a witness was driving to a dentist appointment and saw a man run out of a bank at 4:30 p.m. on a certain date, wearing a red bandana over his face, and then reported what she saw to the police at 5:50 p.m. that same day, what are the relevant facts? The witness can provide some evidence as to the time when a person (male) was acting unusually (running out of a bank, wearing a bandana over his face). In combination with other evidence, these facts may be used to establish when the offence occurred and that the accused was the culprit. It is probably not relevant that the witness reported what she saw to police at 5:50 p.m. That fact doesn't make her testimony more or less believable, and it doesn't help to prove an element of the offence. On the other hand, the fact that the witness had a dentist appointment is not strictly relevant, but it may be useful to corroborate the witness's testimony with respect to the time of day. Maybe the witness was rushing to a dentist appointment she had at 4:30 p.m. and she had just looked at her watch and seen that she was late – it was already 4:30 and she was still five minutes away from the dentist's office. This fact helps to explain how the witness can be so sure she saw the person running out of the bank at exactly 4:30. It is a matter of choice whether this fact is brought out in direct examination.

2. The rule in direct examination is that the lawyer may not ask leading questions of the witness. A leading question is one that suggests or contains the answer. For example, the following questions are leading:

- Didn't you leave before the fight?
- Isn't it true that the car that hit the victim was blue?
- And then the accused ran from the scene, didn't she?

These questions can all be answered with a yes or no answer. This is a good indication that the question is leading, but it isn't conclusive. For example, there are borderline questions that call for yes or no answers but which aren't necessarily leading. For example:

- Is that when you left?
- Do you recall what happened then?
- Could you see the knife clearly?
- Did you see anything unusual?

Although these questions can be answered with a yes or no, they aren't phrased in the same challenging way as the first set of questions. Instead, they invite further explanation. Sometimes the tone of voice or the nature of the previous questions will turn a borderline question into a leading question. Consider the effect of changing the tone of voice from incredulous to caring on the following question:

- You don't remember?

Sometimes these borderline questions are required to get the full story out of the witness on direct examination. However, where possible you should try to ask open-ended questions that leave no doubt that they are permissible on direct examination. For example:

- What happened on the morning of April 6, 2000?
- Can you describe what you saw next?
- What did the accused tell you that afternoon?

3. When preparing your witnesses, remember to use questions to guide the testimony so the relevant information comes out without being buried in irrelevant testimony. In theory you could just say to the witness "tell us everything". But that would hardly make for compelling testimony.

VII. TIPS ON CROSS-EXAMINATION

1. The first thing to do in preparing for cross-examination of a witness is to forget all the TV and movie performances you may have seen. If you have a chance to watch a provincial court trial, you will likely be surprised at how undramatic a real cross-examination is. Also, keep the following points in mind:

- You are not trying to trick a witness into saying things you want to hear.
- You are not trying to make the witness seem like a horrible person who shouldn't be believed because of it.
- You are not trying to "break" the witness.

2. You want to ask very pointed questions to show that the witness may be mistaken, is overstating things, is biased, or is lying. For example, suppose the witness has testified that he saw the accused rob a convenience store. The following is an example of the type of questions that you might ask on cross examination:

Q1: In direct examination, you testified that you saw a person rob the convenience store, correct?

A: Yes

Q2: And you said you were sure that it was the accused, right?

A: Yes

Q3: You also testified that you were standing outside the convenience store about 15 m. from where you saw the accused come out of the store?

A: Yes

Q4: And this happened at 10:30 p.m. on September 23, 2000 right?

A: Yes

Q5: So it was quite dark at the time, wasn't it?

A: Yes

Q6: And would you agree with the testimony of the store clerk that the thief was wearing a Halloween mask at the time?

A: Yes

- Q7: So it is your testimony that you were able to positively identify the accused at 15m, in the dark of night, while wearing a mask over his face?
- A: Yes
- Q8: Would you agree that the accused is of average height and weight, and that there is nothing particularly remarkable about his appearance?
- A: Yes
- Q9: And yet you are testifying that you were able to identify this unremarkable person, in the dark, with a mask on, at 15 metres. Is there any chance that you could have been mistaken?
- A: No, I'm sure it was him.

This cross examination didn't get too far in terms of extracting a stunning admission, and it is probably the type of cross examination you are most likely going to encounter in the mock trial competition. The overall effect of this line of questioning is to raise doubts in the judge's mind as to whether the witness could really have identified the accused as the person who held up the convenience store. The witness remains adamant throughout the questioning that he or she was able to identify the accused. At the same time, however, the witness agreed that it was dark, that he or she was 15 metres away at the time, and that the robber was wearing a mask. Furthermore, the witness admitted that there was nothing particularly noticeable about the accused. This will raise doubts in the judge's mind as to whether the witness is being honest about being able to positively identify the accused as the person robbing the store.

3. The golden rule for cross examination is to never ask a question you don't know the answer to. Another important rule is to avoid asking questions that invite the witness to give a lengthy answer or explain away the theory that you as cross-examining lawyer are trying to develop.

In the questions above, you will notice that all the questions were leading ones. The witness was being asked to agree or disagree with the premise of each question with either a yes or no response. The questions begin by re-stating the relevant testimony the witness gave in direct examination (Q1-Q4). Then, Q5 adds a piece of information that may have been left out in direct examination – that it was dark at the time of the robbery. Be aware, however, that it would have been open to the witness to explain that yes, it was night time, but that the parking lot was well lit. Ideally a lawyer would have determined whether the lighting was good or bad in the parking lot. Q7 then puts all the pieces together in a way that makes the point that it would be hard to identify a person under those conditions. However, the witness sticks to his or her guns and says they could identify the witness. Q8 then takes a risk by describing the accused as being average and unremarkable. In the example, the witness simply agreed that the witness was average looking, but that question might have been an opening for the witness to explain what exactly makes the accused noticeable. Q9 then goes on to make the point again that the circumstances would make it hard to identify a person, and asks whether the witness could have been mistaken. The witness says no. One thing to notice in this last question is that the lawyer doesn't just repeat Q7. Having already asked that question, the opposing team could object on the basis that the question was repetitive. Moreover, asking the same question isn't very effective because it is no surprise that the witness gives the same answer. Instead, the question is modified slightly to ask whether the witness could have been mistaken.

VIII. PERFORMANCE RATING SHEET

Students should review the “Performance Rating Sheet” before the mock trial tournament so that they are aware of the evaluation process. In deciding which team has made the best presentation, the following criteria should be used to evaluate each team’s performance. For each of the ten performance standards listed below the judge should rate each team on a scale of 1 to 5, 1 representing “Poor”; 2 – “Fair”; 3 – “Good”; 4 – “Very Good”; 5 – “Excellent”. Deductions will be made for such things as unfair deviations from the facts, failure to follow the Simplified Rules of Evidence, or other violations of the Code of Professional Conduct.

EVALUATION OF LAWYERS	CROWN TEAM	DEFENCE TEAM
For the opening statement, the lawyer provided a clear and concise description of his/her side of the case.		
On direct examination, lawyers utilized questions which required straightforward answers and brought out key information for their side of the case.		
On cross-examination, lawyers were able to bring out contradiction in testimony and weaken the other side’s case.		
Throughout the questioning of witnesses, lawyers utilized properly phrased questions and exhibited a clear understanding of trial procedures.		
During the closing statement, the lawyer made an organized and well-reasoned presentation summarizing the most important points for his/her team’s side of the case.		

EVALUATION OF WITNESSES	CROWN TEAM	DEFENCE TEAM
Witnesses/accused were believable in their characterizations, convincing in their testimony and did not unfairly deviate from fact sheets.		
Witnesses/accused were well prepared for answering the questions posed to them under direct examination.		
Witnesses/accused responded well to questions posed to them under cross-examination.		

EVALUATION OF TEAM	CROWN TEAM	DEFENCE TEAM
Team members were courteous, observed general courtroom decorum, and spoke clearly and distinctly.		
Team members kept their presentations within the prescribed time limits, with all team members involved in presentation of the case.		
Total Score for Teams (Maximum of 50 points)		

IX. MOCK TRIAL CODE OF PROFESSIONAL CONDUCT

Lawyers in Saskatchewan and in most other jurisdictions are governed by a Code of Professional Conduct. The Code makes certain actions by a lawyer subject to disciplinary sanctions. 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 lawyer's 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.

Our experience is that participants in the Mock Trial Tournament are extremely enthusiastic about the experience. This enthusiasm is partly due to the competitive nature 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, which provides as follows:

1. **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.**
2. **There shall be no questioning the judge's rulings.**
3. **No participant shall invent facts or evidence which unfairly deviates from the facts provided. This is known as the "Unfair Deviation Rule". While some additional facts may be required to perform in the tournament, no team shall invent facts which have as a primary purpose confusing or misleading opponents, or substantially altering the ordinary interpretation of the facts provided.**
4. **All participants are responsible for promoting conduct that is consistent with this code.**

X. PRACTICE POINTERS

The following are some miscellaneous pointers for participants in the mock trial tournament and some of the things most difficult for team members to learn to do:

1. To decide which are the most important facts needed to prove their side of the case and how to prove those facts;
2. To tell clearly what they intend to prove in an opening statement and to argue effectively in their closing statement that the facts and evidence presented have proven their case;
3. To follow the formality of court e.g., standing up when the judge enters; or when addressing the judge, to call the judge “your honour”, etc.;
4. To phrase questions on direct examination that are not leading (carefully review the Simplified Rules of Evidence and watch for this type of questioning in practice sessions);
5. Not to ask so many questions on cross-examination that well-made points are lost. When a witness has been contradicted or otherwise discredited, student lawyers tend to ask additional questions, which often lessen the impact of points previously made. (Stop – recognize what questions are likely to require answers that will make good points for your side. Rely on the use of these questions. Avoid pointless questions!).
6. To think quickly on their feet when a witness gives an unexpected answer, a lawyer asks unexpected questions, or a judge throws questions at the lawyer or witness. (Practice sessions will help prepare for this.)
7. To restrain oneself from breaking from the reality of the mock trial by pointing out to the judge that an opponent is deviating from the fact sheet or an affidavit. The judge is aware of this and you only harm your side by feeling compelled to point it out.

I.	INTRODUCTION.....	3
II.	MOCK TRIALS AND MOCK TRIAL TOURNAMENTS.....	3
III.	TOURNAMENT RULES	4
	GENERAL	4
	SPECIFIC RULES FOR TEAM LAWYERS	5
	SPECIFIC RULES FOR TEAM WITNESSES	5
	TIME CHART	6
IV.	TOURNAMENT ROLES	7
	CROWN PROSECUTOR	7
	A. Introduction.....	7
	B. Prepare Your Case	7
	C. Plan What Information You Need to Prove Your Case	8
	D. Plan How to Get Your Information Into Court	8
	(a) The Opening Statement	8
	(b) Examination in Chief (Direct Examination) of Witnesses.....	8
	E. Anticipate Your Opposition.....	9
	F. Prepare Your Summation.....	9
	DEFENCE LAWYER	10
	A. Introduction.....	10
	B. Prepare Your Case	10
	C. Anticipate Your Opposition.....	10
	D. Plan How to Get Your Information Into Court	11
	(a) The Opening Statement	11
	(b) Examination in Chief (Direct Examination) of Defence Witnesses.....	11
	E. Prepare Your Summation.....	12
	WITNESS OR THE ACCUSED.....	12
	A. Introduction.....	12
	B. Preparing For Trial	12
V.	EVIDENCE AND PROCEDURE.....	13
	SIMPLIFIED RULES OF EVIDENCE	13
	A. Rules for Entering Exhibits.....	13
	B. Oral Testimony	15
	(a) Hearsay	15
	(b) Opinion Evidence	16
	(c) Objections.....	18
	1. Leading Question	18
	2. Assuming Facts Not in Evidence.....	18
	3. Repetitive Question	18
	4. Argumentative Question.....	19
	5. Hearsay	19
	6. Lack of Foundation.....	21
	7. Speculative	21
	8. Not Letting the Witness Answer the Question	22
VI.	TIPS ON DIRECT EXAMINATION.....	23
VII.	TIPS ON CROSS-EXAMINATION.....	24
VIII.	PERFORMANCE RATING SHEET	26
IX.	MOCK TRIAL CODE OF PROFESSIONAL CONDUCT	27
X.	PRACTICE POINTERS.....	28

MOCK TRIAL TOURNAMENT GUIDE