**Domestic Law Mock Trial**

and

**Trial Report Assignment**

Unit 1 explores current legal issues in Canada and allows us to evaluate a system of democratic law making that both protects and infringes upon majority and minority rights.

In reality, the importance/ significance of a particular legal issue is subjective. People tend to “care” more when they are directly affected by something. Therefore, almost all legal issues will matter to some Canadians more than others, depending on the implications, thus it is common for legal issues to resonate solely with a particular minority of the population!

**The time has come to evaluate the pros and cons of law making on select legal issues in Canada. This evaluation will take place in the form of a simplified mock trial (like a debate) and a trial report. Similar to your experience in CLU3M, teams of will work together (as lawyers, and as witnesses/experts in the field) to “prosecute” or “defend” a particular law. Dissimilar to your past experience, you will not be given any background materials, witness profiles, nor prior detail as to the other side’s case/ argument. You must approach this case more conceptually. You will make decisions and predictions, weigh and counter opposing arguments, and think carefully beforehand and on the spot.**

**You are not given a case! It is the law itself that is on trial.**

**Part 1: “Mock Trial”**

Teams will work together to research the current Canadian laws on one of the following

topics: **euthanasia, police carding, prostitution, marijuana.**

It is the role of the ***defence***team to draft a position challenging the **current law** in Canada, arguing that they should either be repealed or modified, and it is the role of the *prosecution (Crown)* to maintain the laws and protect the decisions and Bills the government has implemented.

The entire team is responsible for research into the issue. Each team should then decide which witnesses/experts in the field they will call to the stand in order to support their argument.

Teams *do not* have to share who their witnesses/experts are with their opposing council.

Research must include current Canadian law, Charter issues, Case law, and demonstrate evidence of research. Note: there must be a Canadian focus but it is acceptable to include information relating to the laws of other countries if it supports your case

Teams should then assign roles and begin the process of building a ‘script’ that they will follow

to pursue their argument.

**Important:**

Duringthe mock trial, teams must listen carefully and construct a viable cross-examination as their opponent examines their prepared witness. You are likely to better succeed at this impromptu cross-examination if teams prepare opposition research and anticipate opposing arguments. (know both sides- well)

**Tip:**

The time limit is also the suggested time length of each segment of the argument. You will not

do well if you underuse your time. Please build a grade12, university level argument!

The following is the mock trial format:

|  |  |
| --- | --- |
| Clerk calls to order and asks the Prosecution to make opening statements  (existing laws) | 3 mins |
| Defence to make opening statements (proposed change to the laws) | **3 mins** |
|  |  |
| Prosecution witness #1 | **4 mins** |
| Defence cross examine | **1 min (prep)**  **3 mins** |
| Prosecution witness #2 | **4 mins** |
| Defence cross examine | **1 min (prep)**  **3 mins** |
| Prosecution #3 | **4 mins** |
| Defence cross examine | **1 min (prep)**  **3 mins** |
| Defence witness #1 | **4 mins** |
| Prosecution cross examine | **1 min (prep)**  **3 mins** |
| Defence witness #2 | **4 mins** |
| Prosecution cross examine | **1 min (prep)**  **3 mins** |
| Defence witness #3 | **4 mins** |
| Prosecution cross examine | **1 min (prep)**  **3 mins** |
| Closing remarks Defence | **3 mins** |
| Closing remarks Prosecution | **3 mins** |
|  |  |

**Rubric:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **K/U** | **Level 4** | **Level 3** | **Level 2** | **Level 1** |
| Knowledge of relevant **Canadian laws** regarding topic | Demonstrates thorough  understanding of current laws regarding assigned issue, from both sides of the argument | Demonstrates strong  understanding of current laws regarding assigned issue, from one side | Demonstrates a limited  understanding of current laws regarding assigned issue | Demonstrates lack of  understanding of  relevant laws regarding  assigned issue |
| Knowledge of relevant examples and arguments from **Charter** and **case law** | Demonstrates thorough understanding of how  issue relates to Charter  and previous cases | Demonstrates strong  understanding of how  issue relates to Charter  and previous cases | Demonstrates limited  understanding of how  issue relates to Charter  and previous cases | Demonstrates lack of  understanding of how  issue relates to Charter  and previous cases |
| **Thinking** |  |  |  |  |
| Group has crafted an argument regarding  their side to the issue | There is an  exceptionally clear and  well-constructed argument  and explanation specifically  making reference to  current laws | There is a strong  argument and explanation  specifically making  reference to current  laws | The argument and  explanation are limited, and reference to current  laws lack specific details | The argument and  explanation are limited, and do not make reference to current laws |
| **Questioning/examination** of prepared witnesses/experts  advances an argument or  position | Questioning/ Responses of witness follows a logical  progression and  effectively proves the  position of the defence  or prosecution | Questioning/ Responses sequences follows a mostly logical  progression and serves to reinforce the argument being made by the defence or opposition | Questioning/ Responses sequence is not linear and does not strongly reinforce  the argument being  made by the defence or  prosecution | Questioning/Responses  sequence is illogical  and does not advance  a clear position held by  the defence or  prosecution |
| **Communication** |  |  |  |  |
| **Presentation skills**: Speakers use loud, clear voice and employ  rhetorical devices to ensure they are understood by the audience | Speaks in a clear, loud  voice that all participants and spectators can hear  and understand | Speaks in a mostly clear manner that participants and spectators can hear  and understand | Sometimes speak  softly or in an unclear  manner making it  difficult for participants  and spectators to hear  and understand | Does not speak clearly  or loudly making it very  difficult for participants  and spectators to hear  and understand |
| Appropriate **language and**  **terminology** are used throughout the trial proceedings | Group members  employ appropriate  professional language  and use proper legal  terminology throughout  the case | Group members  employ appropriate  profession language  and use proper legal  terminology with minor  lapses | Group members  employ questionable  language and  occasionally use proper  terminology | Group members do not  employ appropriate  language and do not  use court-appropriate  legal terminology |
| **Application** |  |  |  |  |
| **Cross-examination** of opposing  witnesses/experts advances an  argument or position | Questioning of witness  follows a logical  progression and  effectively proves the  position of the defence  or prosecution | Questioning  sequences follows a  mostly logical  progression and  serves to reinforce the  argument being made  by the defence or  opposition | Questioning sequence  is not linear and does  not strongly reinforce  the argument being  made by the defence or  prosecution | Questioning sequence  is illogical and does not  advance a clear  position held by the  defence or prosecution |
| Preparedness , seamless execution of process | Group members are extremely well-prepared and able to execute role seamlessly and believably | Group members are well-prepared and able to execute roles believably | Group members are adequately prepared and role-playing is adequate | Group members are minimally prepared and role-playing is inadequate |

**Part 2: Mock Trial Report**

Each student will write a Trial Report based on the trial they observe.

Structure your trial report in the following manner:

**Top of the page**: Title, name, date, etc.

***Paragraph #1***: Ideas presented by the Prosecution, including current Canadian law, Charter

issues, Case law, and demonstrate evidence of research. Give a summary of the evidence

presented during witness questioning. (summarize the case of the prosecution)

***Paragraph #2***: Ideas presented by the Defence, including suggested amendments to current Canadian law, Charter issues, Case law, and demonstrate evidence of research. Give a summary of the evidence presented during witness questioning. (summarize the case of the Defence)

***Paragraph #3***: Discuss both teams’ ability to cross-examine the opposing witnesses. Evaluate who was better at cross-examination by giving specific examples of how lawyers were able to use their opposing witnesses to possibly support their own side; or, at minimum, devalue their opponent’s argument. Discuss the contributions of the witnesses in terms of strengthening or weakening a case.

***Paragraph #4-5***: Reflect upon the trial: what was your opinion of the issue prior to hearing the

arguments? What new information did you receive from the trial? How successful was the trail

at changing your position? What evidence/witness/expert would you have added? Why do you

think the majority of Canadians feel a certain way about this issue? (identify what way that is)

Why do you think the government has been active/unresponsive to this issue? Are they doing a

good job with laws regarding this issue?!

**Due Date: Report for trial #1 due via Turnitin Oct 17th**

**Report for trial #2 due via Turnitin Oct 23rd**

Rubric:

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| --- | --- | --- | --- | --- |
| **K/U** | **Level 4**  **(80-100%)** | **Level 3**  **(70-79%)** | **Level 2**  **(69-60%)** | **Level 1**  **(59-50%)** |
| Details of case; proper  description of current  Canadian laws on the issue.  Accurately describes the arguments presented by both sides | Precise details of case are clearly understood; excellent description of current Canadian laws on the issue.  Describes to a high degree the arguments presented by both sides | Details of case included; accurate description of current  Canadian laws on the issue.  Some description of the  arguments presented by both sides | Few details of case; scattered explanation of current Canadian law on the issue.  Struggles to properly describe both sides of the argument, or  does so too briefly/  inaccurately | Minimal details of case; minimal explanation of current Canadian law on the issue.  Glosses over the arguments, or  distorts them |
| **Thinking** |  |  |  |  |
| Evaluate the cross-examination of each lawyer  Evaluate the contributions of the witnesses | Evaluates the cross-examination of each lawyer, and the contributions of the witnesses insightfully and in detail | Evaluates the cross-examination of each lawyer, and the contributions of the witnesses with adequate thought and  detail | Evaluates the cross-examination of each lawyer, and the contributions of the witnesses with minimal thought and detail | Evaluation of cross-examinations and contributions of witnesses lacks thought and detail |
| **Communication** |  |  |  |  |
| Content is presented clearly in paragraph  form with proper spelling and grammar | Spelling and grammar are near perfect. Style is clear and concise. The structuring of the  argument is topical with  appropriate terminology and clarity of thought | Content is presented clearly in paragraph form with proper  spelling and grammar | Spelling and grammar issues are evident. The layout is disorganized and/or off topic | Many errors in spelling and grammar are evident. Responses are not clearly articulated |
| **Application**  Paragraph 4 |  |  |  |  |
| -Trial Reflection.  -Additional witnesses  -Importance of issue  -Government response | Reflects upon the trail and its impact on your position insightfully and in detail  Reflects upon additional witnesses and government responses insightfully and in detail | Reflects upon the trail and its impact on your position with adequate thought and  detail  Reflects upon additional witnesses and government responses with adequate thought and  detail | Reflects upon the trail and its impact on your position with minimal thought and detail  Reflects upon additional witnesses and government responses with minimal thought and detail | Reflection and its impact on your position lacks thought and detail  Reflection upon additional witnesses and government responses lacks thought and detail |