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***defence***team to draft a position challenging the **current law** in Canada, arguing that they should either be repealed or modified, and it is the role of the *prosecution (Crown)* to maintain the laws and protect the decisions and Bills the government has implemented.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

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| --- | --- | --- | --- | --- |
| **K/U** | **Level 4** | **Level 3** | **Level 2** | **Level 1** |
| Knowledge of relevant **Canadian laws** regarding topic | Demonstrates thoroughunderstanding of current laws regarding assigned issue, from both sides of the argument | Demonstrates strongunderstanding of current laws regarding assigned issue, from one side | Demonstrates a limitedunderstanding of current laws regarding assigned issue | Demonstrates lack ofunderstanding ofrelevant laws regardingassigned issue |
| Knowledge of relevant examples and arguments from **Charter** and **case law** | Demonstrates thorough understanding of howissue relates to Charterand previous cases | Demonstrates strongunderstanding of howissue relates to Charterand previous cases | Demonstrates limitedunderstanding of howissue relates to Charterand previous cases | Demonstrates lack ofunderstanding of howissue relates to Charterand previous cases |
| **Thinking** |  |  |  |  |
| Group has crafted an argument regardingtheir side to the issue | There is anexceptionally clear andwell-constructed argumentand explanation specificallymaking reference tocurrent laws | There is a strongargument and explanationspecifically makingreference to currentlaws | The argument andexplanation are limited, and reference to currentlaws lack specific details | The argument andexplanation are limited, and do not make reference to current laws  |
| **Questioning/examination** of prepared witnesses/expertsadvances an argument orposition | Questioning/ Responses of witness follows a logicalprogression andeffectively proves theposition of the defenceor prosecution | Questioning/ Responses sequences follows a mostly logicalprogression and serves to reinforce the argument being made by the defence or opposition | Questioning/ Responses sequence is not linear and does not strongly reinforcethe argument beingmade by the defence orprosecution | Questioning/Responsessequence is illogicaland does not advancea clear position held bythe defence orprosecution |
| **Communication** |  |  |  |  |
| **Presentation skills**: Speakers use loud, clear voice and employrhetorical devices to ensure they are understood by the audience | Speaks in a clear, loudvoice that all participants and spectators can hearand understand | Speaks in a mostly clear manner that participants and spectators can hearand understand | Sometimes speaksoftly or in an unclearmanner making itdifficult for participantsand spectators to hearand understand | Does not speak clearlyor loudly making it verydifficult for participantsand spectators to hearand understand |
| Appropriate **language and****terminology** are used throughout the trial proceedings | Group membersemploy appropriateprofessional languageand use proper legalterminology throughoutthe case | Group membersemploy appropriateprofession languageand use proper legalterminology with minorlapses | Group membersemploy questionablelanguage andoccasionally use properterminology | Group members do notemploy appropriatelanguage and do notuse court-appropriatelegal terminology |
| **Application** |  |  |  |  |
| **Cross-examination** of opposingwitnesses/experts advances anargument or position | Questioning of witnessfollows a logicalprogression andeffectively proves theposition of the defenceor prosecution | Questioningsequences follows amostly logicalprogression andserves to reinforce theargument being madeby the defence oropposition | Questioning sequenceis not linear and doesnot strongly reinforcethe argument beingmade by the defence orprosecution | Questioning sequenceis illogical and does notadvance a clearposition held by thedefence 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; properdescription of currentCanadian 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 currentCanadian laws on the issue.Some description of thearguments 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, ordoes so too briefly/inaccurately | Minimal details of case; minimal explanation of current Canadian law on the issue.Glosses over the arguments, ordistorts them |
| **Thinking** |  |  |  |  |
| Evaluate the cross-examination of each lawyerEvaluate 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 anddetail | 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 paragraphform with proper spelling and grammar | Spelling and grammar are near perfect. Style is clear and concise. The structuring of theargument is topical withappropriate terminology and clarity of thought | Content is presented clearly in paragraph form with properspelling 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 detailReflects upon additional witnesses and government responses insightfully and in detail | Reflects upon the trail and its impact on your position with adequate thought anddetailReflects upon additional witnesses and government responses with adequate thought anddetail | Reflects upon the trail and its impact on your position with minimal thought and detailReflects upon additional witnesses and government responses with minimal thought and detail | Reflection and its impact on your position lacks thought and detailReflection upon additional witnesses and government responses lacks thought and detail |