**Othello Mock Trial Handbook**

**Opening of Trial**

**Baliff:**  *Please Rise.  The Court of Markville is now in session, the Honourable Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_ presiding.*

**Judge**:  (to baliff) *What is today’s case?*

**Baliff:**  *Today’s case is Crown versus Prime Minister \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

**Judge**:  *Is the prosecution ready?  Is the defense ready?*

**Attorneys**:  *Yes, your Honour*  (always say “your Honour” when speaking to Judge)

**Judge**: May give instructions to the jury.

**Opening Statement**

Attorneys can create any opening statement he /she would like.  The following is a sample.

* Sample Opening Statement   *“Your Honour, members of the jury, my name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I am representing \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (crown or defendant) in this case.*
* *I intend to prove (charge or defense) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.*
* *These are the facts of the case:
-provide background information / overview of the topic / issue  (dates, key people, impact on society)
-give perspective to the side that you are arguing that may appeal to the audience (“Imagine…”)
-state effects of the issue on history (social, political, economic, military)
-state the main arguments that you will be presenting  (to charge or defend the Prime Minister)
-offer some challenges  / questions to the opposition*
* *Today you will be presented with evidence and will hear testimony from my witness, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which will leave no doubt in your mind of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(guilt / innocence) of the defendant.*
* *Please find the defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (guilty / not guilty).”*

**Oath**

All witnesses are sworn in before thy begin answering questions.  This is to remind them that they must tell the truth.

**Baliff***:  Please raise your right hand.  Do you swear to tell the truth, the whole truth and nothing but the truth?*

**Direct Examination**

The attorney calls his/her witness to the stand and asks clear and simple questions that allow the witness to tell his or her side / account of events in his/her own words.  **Witnesses may recount events of history, read quotes or statistics or give his/ her personal opinion if relevant  (ie. he or she was in charge or participated in the event / action in question).**Witness should not guess or make up answers, simply answer “ I don’t know” and the attorney may answer the question.

Sample Questions

1. Could you state your name and position to the court please?
2. Can you explain the events that occurred on …?
3. What impact did the Prime Minister’s decision have on Canada?

**Cross Examination**

After your opposing attorney has asked his / her witness questions, it is now your turn.  It is very important to ask questions to the opposing witness to “poke holes” in their case.

**Helpful Hints for Examination and Cross Examination**

1. Keep your questions clear and concise.  Let the witness tell the story.  If the witness forgets important facts, you may ask the witness questions to prompt them to give more details.  Remember to always relate the questions to the charge!
2. Asking the witness to respond with “yes or no” can be very effective during examination and cross examining.  This can avoid the “yes, but…..” and prove your argument more easily
3. Don’t let the witness bully the lawyer.  Remember, the lawyer is the only one allowed to ask questions, and the witness must answer the questions.
4. During the examination, the lawyer must ask the witness questions, he or she is NOT allowed to testify to the case  (other than in the opening or closing statements)

**Closing Argument**

Attorneys can create any opening statement he /she would like.  The following is a sample.

* Sample Closing Statement   *“Your Honour, members of the jury, today I am representing \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (crown or defendant) in this case and have intended to prove (charge or defense) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.*
* *Let me remind you of the key facts of this case presented in court today:
-restate the major issue, impact, effects and perspective of the topic
-restate main arguments*
* *Today you have also heard from my witness, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which I believe has left no doubt in your mind of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(guilt / innocence) of the defendant.
--highlight all the major evidence used to prove arguments as well as witness testimony
-restate the major challenges to oppositions arguments / evidence*
* *Please find the defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (guilty / not guilty).
-end with a quote / statistic or powerful statement*

 **Grade 12 Oral Exam:  Trials of Othello/Iago**

|  |  |  |
| --- | --- | --- |
| Order | Side | Time |
| Opening of the Court | -“Law and Order” music-The Bailiff introduces the judge and the case-Judge addresses the court, announcing the rules of procedure and setting the tone | 1 minute |
| Opening Statement | Crown~1 minute per lawyer / charge | 3 minutes |
| Opening Statement | Defense~1 minute per lawyer / charge | 3 minutes |
| Direct Examination (Witness) | Crown~3 minutes per lawyer / charge | 9 minutes |
| Cross Examination (Witness) | Defense~ 2 minutes per lawyer /charge | 6 minutes |
| Redirect (Witness) | Crown~1 minute per lawyer / charge | 3 minutes |
| Direct Examination (Witness) | Defense~3 minutes per lawyer / charge | 9 minutes |
| Cross Examination (Witness) | Crown~ 2 minutes per lawyer /charge | 6 minutes |
| Redirect (Witness) | Defense~1 minute per lawyer / charge | 3 minutes |
| Direct Examination (PM) | Defense~2 minutes per lawyer / charge | 6 minutes |
| Direct Examination (PM) | Crown~2 minutes per lawyer / charge | 6 minutes |
| Closing Statement | Defense~1 minute per lawyer / charge | 3 minutes |
| Closing Statement | Crown~1 minute per lawyer / charge | 3 minutes |
| Jury Deliberation | - Judge will then excuse the lawyers and witnesses in the case- Clarification questions from the jury- Jury establishes verdict for EACH CHARGE based on EVIDENCE presented during the trial.- Jury presents the Verdict at the end of the class. | 10 minutes |
|   |   | **70 minutes** |

 **Objections**

During the examination and cross examination of witnesses, attorneys can object under the following conditions.  Remember, when you object, one MUST give the reason for the objection, or the judge will not hear your objection.

**When Can I Object?**

1. Leading the witness / testifying
* *Lawyer gives evidence or testifies  instead of asking open questions (lawyer putting words in witness’s mouth)*

1. Badgering the witness
* *Lawyer harasses, abuses or insults witness*

1. Irrelevant
* *Question or statement does not relate to any of charges*

1. Historical Inaccuracy
* *Witness or lawyer states inaccurate historical facts*

1. Wasting the Court’s time
* *Lawyer or witness takes too much time thinking of questions/ answers*

1. Witness is not an expert
* *Witness does not have background knowledge / understanding to give a credible answer*

1. Hostile Witness
* *Witness refuses to answer questions; witness insults or harasses lawyer*

1. Coaching the witness
* *Lawyer attempts to give hints or answers to a witness on the stand*  *(ie. nodding or shaking head to hint at a yes or no response; mouthing words or answers to witness on the stand etc.)*

**RULINGS ON OBJECTIONS**

OVER-RULED = judge disagrees with objection

SUSTAINED = judge agrees with objection