



Empire Mock Trial
Educate. Connect. Empower.

A Guide for Competitors from Canada

General

Empire Mock Trial	Canadian (Ontario) Mock Trial
Takes place in the fictional State of Midlands. Cases can be either Criminal (standard of proof is guilt beyond a reasonable doubt) or Civil (standard of proof is on the preponderance of the evidence). All trials are jury trials. You will have 4 judges per round. 1 judge presides, while the other 3 will sit in the jury box scoring the teams.	Takes place in the fictional location of YourTown, Ontario. All cases are criminal (standard of proof is guilt beyond a reasonable doubt). All trials are judge-only trials (no jury) argued in front of either a single judge or panel of judges (depending on availability), who all score.
Each Side 4 witnesses. Civil cases are argued between the Plaintiff and the Defendant. Criminal cases sees the State of Midlands prosecuting the Defendant.	Each side has 2 witnesses (3 in 2014). The cases are only criminal and see the Crown prosecuting the Accused.
Each Side must call 3 of their 4 witnesses. Which witnesses you call depends upon team’s trial strategy and the choices are disclosed in Captain’s Meeting 30 minutes before trial.	Each side must call both witnesses.
Witnesses with specialized training, knowledge and education <i>may</i> offer expert testimony only <i>after</i> their team has laid the proper foundation for their qualification as an expert <i>and</i> the Court (presiding judge) recognizes them as an expert.	Same protocol.
Witnesses have Affidavits (sworn statements) and can be impeached during cross examination if their trial testimony contradicts their statement or by omission.	Same protocol.
No court clerk. Submit evidence during trial to the presiding judge.	Court Clerk played by students reading from a script.
During trial, lawyers can refer to lawyers from the other team as “Opposing Counsel” or “The Prosecution or The Defence” (depending on side).	During trial, lawyers refer to lawyers from the other team as “My Friends” or “My Friends on the Crown or Defence” (depending on side).
3 lawyers	4 lawyers
Each lawyer conducts a direct <i>and</i> cross examination. ALL PARTS SHOULD BE MEMORIZED (LAWYERS AND WITNESSES).	Each lawyer must examine at least one witness (examination in chief <i>or</i> cross examination). Lawyers are permitted to bring papers with their questions with them to the podium.
1 of the team’s lawyers must also deliver the team’s Opening Statement, while another lawyer delivers the team’s Closing Statement.	Same protocol.
Evidence in the packet belongs to both sides. Demonstratives can be made of any evidence in the packet. Original demonstratives may be	All evidence in the packet belongs to the Crown. Demonstratives can be made of any evidence in the packet. They must be disclosed to the

made too so long as they don't invent material information. They must be disclosed to the opposing side in the Captain's Meeting 30 minutes prior to trial.	Defence prior to trial.
Each round in the tournament includes a Captains' meeting 30 minutes prior to trial where the genders of the witnesses are defined and demonstratives -if a team plans to use them- are disclosed. Police officer witnesses -if there are any in the case- cannot use notes and opposing side cannot make this a point of cross examination (i.e. question officer on their ability to remember the incident so clearly without the having prepared notes).	There is no Captain's Meeting prior to trial. Teams meet prior to trial in court. At this point, teams disclose witness genders and Crown discloses evidence + demonstratives and arresting Officer's notes. During the officer's examination in chief, the Crown attorney must lay proper foundation for the officer to use their notes <i>and</i> must get the Court's (judge's) permission for the officer to use the notes.
4 rounds, plus a championship round for the top two teams. Your team will argue each side twice.	Depending on regional host format.
Jury – All cases are jury trials. The jury will be made up of the 3 scoring judges for each round and the timekeepers from each team.	No jury - All cases are trial-by-judge.

Content of the Case

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Case packet – approximately 100 pages, including evidence, sworn statements of witnesses (affidavits), precedent cases to be used (if necessary), Special Instructions, Captain's meeting Notice of Intent, Indictment, Statutes and Stipulations . The case can be either a Civil lawsuit or Criminal Prosecution. Standard of Proof in Criminal Case is guilt beyond a reasonable doubt; in Civil case it must be proven based on the Preponderance of the Evidence (similar to Balance of Probabilities).	Case packet – approximately 30 pages, including evidence, sworn statements of witnesses (as of 2014). It also includes the Indictment, which is read aloud by the Court Clerk prior to trial (with the accused entering a plea of Not Guilty). Cases are Criminal only and the Standard of Proof is guilt beyond a reasonable doubt.
Each affidavit ranges from 6-15 pages. Each affidavit indicates what evidence each witness is familiar with.	Each statement is a page and a quarter (max).
Only exhibits provided in the case materials can be used. The affidavits help indicate to which side each exhibit belongs. There are many more exhibits in Empire cases than Canadian cases, with the number varying from year to year.	Same protocol. All exhibits belong to the Crown, unless otherwise stated in the packet. The total number of exhibits varies from year to year.
Exhibits introduced during direct or cross exams once proper foundation is laid in Direct	Exhibits introduced through 'examination-in-chief' of Crown witnesses. If not introduced by

Examination of witnesses. Some exhibits in the packet belong to the Defence and is entered after proper foundation is laid in Direct Examinations of witnesses. The attorneys can choose which exhibits are offered into evidence and which are not. Attorneys are provided with fictional Case Law (precedents) which can be used in the case to argue a particular issue.	Crown, Defence can't introduce them. No exhibits in the packet belong to the Defence and cannot be introduced by them if the Crown chooses not to bring it in (tactical decision). The Crown attorneys choose which exhibits are offered into evidence and which are not. No case law is provided in the packet. Teams cannot offer it to support arguments, although a basic understanding of Objections and General law is required.
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Timings

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Opening Statement: 5 minutes each	Opening statements: 4 minutes each
Direct Examinations: 25 minutes per side for 3 witnesses collectively.	Examinations-in-Chief: 18 minutes per side for 3 witnesses collectively (2014).
Cross Examinations: 25 minutes per side for 3 witnesses collectively	Cross Examinations: 12 minutes per side for 3 witnesses collectively (2014).
Closing Statements: 9 minutes each (prosecution/plaintiff goes first and can reserve up to five minutes of their closing for a rebuttal argument, given after the defence's closing argument)	Summations: 5 minutes each. Defence goes first (because they called witnesses). Crown goes last.
Timekeeping – each team must have an official timekeeper who sits with the opposing team's timekeeper in the jury box. Timekeepers must time all phases of the trial for both teams (to ensure fairness and consistency).	Same protocol.

Procedure

Empire Mock Trial	Canadian (Ontario) Mock Trial
Pre Trial	Same protocol
Opening statement by Prosecution/Plaintiff	Opening statement by Crown
Opening statement by Defense	Crown Calls 1 st Witness- exam-in-chief + Cross
Prosecution/Plaintiff Calls 1 st Witness – Direct + Cross	Crown Calls 2 nd witness- exam-in-chief + Cross
Prosecution/Plaintiff Calls 2 nd Witness – Direct + Cross	Crown Calls 3 rd Witness – Direct + Cross
Prosecution/Plaintiff Calls 3 rd Witness – Direct + Cross	

Prosecution/Plaintiff rests	Opening statement by Defense
Recess – 5 minutes	Defence Calls 1 st Witness – exam-in-chief + Cross
Defense Calls 1 st Witness – Direct + Cross	Defence Calls 2 nd Witness – exam-in-chief + Cross
Defense Calls 2 nd Witness – Direct + Cross	Defence Calls 3 rd Witness – Direct + Cross
Defense Calls 3 rd Witness – Direct + Cross	Summation – Defense
Defense Rests	Summation – Crown
Closing Statement – Prosecution	Judge leaves room to tabulate scores + decide verdict and which team advances to next round.
Closing Statement – Defense	Judge returns and announces verdict, gives feedback, then announces which team advances to next round.
Rebuttal Statement – Prosecution	
Judges’ Comments	

Scoring

Empire Mock Trial

3 Scoring Judges (sit as Jury) + a presiding Judge who does not score unless there is a shortage of scoring judges for the round.

Each Judge scores both teams on the following:

Attorneys: (SUBSTANCE + PRESENTATION)

Opening Statement out of 10

Direct out of 10

Cross exams out of 10

Closing Statements out of 10

Witnesses: (PRESENTATION + Substance)

Judged both on directs and cross Exams

The winner of each round is not announced until the Sunday night Awards’ Ceremony; all 3 ballots are taken to the ‘Tabulation Room’ where the organisers calculate the results

One coach representative from each school can come to the Tabulation Room 30-45 minutes after the conclusion of the trial to check their round’s result. Coaches must bring any calculation errors to the Empire representative within that review time frame or lose the right to point it out at a later point in the tournament. Teams will get copies of all score sheets/judge comment sheets (called ballots) at the closing ceremonies.

Canadian (Ontario) Mock Trial

The number of scoring judges per trial varies depending on the availability of volunteers. Presiding judges may have to score.

Judge scores both teams on the following:

Lawyers: (SUBSTANCE + Presentation)

Opening Statement out of 5

Chiefs out of 5

Cross examinations out of 5

Summations out of 5

Witnesses: (PRESENTATION + Substance)

Judged both on directs and cross Exams

At the end of the round the Judge totals the scores and announces the round winner.

Teams do not see their score sheets.

Objections

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There are 37 recognised Objections used. (Some Objections over-lap in the categories)	Objections are assumed to be known. The final decision on the validity of the objections belongs to the presiding judge.
12 Objections to the Substance of the Question.	-----
7 Objections to the Form of the Question.	-----
18 Objections to the Witness’s Answer	-----
Attorneys must know how to argue each objection from both sides	-----
Attorneys must know how to argue against the objections too	-----
Voir Dires can too be used when a team attempts to offer a witness as an Expert	No Voir Dires
Work on objections during the Skype seminars with EMTA staff.	-----

ETIQUETTE

Empire Mock Trial	Canadian (Ontario) Mock Trial
Refer to judge as “Your Honour” “Opposing counsel”	Same protocol. “My friend”
Presentation style and flair are very important (see Suits).	Formal style and language.
Free to move about the well (the podium). Must ask for permission to do so in pre-trial.	Lawyers must stand at the podium when conducting their part of the trial with no right to move about the well (podium).
Professional attire worn.	Same protocol.