

Mock Coroner's Inquest

How to Prepare a Mock Coroner's Inquest

Activity Synopsis

The following materials enable you to set up and run a mock coroner's inquest with your students. An inquest is similar in set up and procedure to a trial – there is a coroner who oversees the procedural aspects of the inquest like a judge, counsel who question witnesses, and a jury who determines the outcome. However, because the purpose of an inquest is different from that of a trial, the benefits students will derive from participating in this activity are slightly different from participating in a mock trial.

The purpose of an inquest is for the jury to determine the circumstances in which a person came to his or her death, and to make recommendations to prevent future similar deaths. The emphasis of an inquest is on fact-finding and problem-solving and not finding fault or determining guilt, and this allows students to concentrate on a couple of key objectives.

The first objective for the students is to ensure that all the relevant information is brought forward with clarity. This can be achieved through the preparation of appropriate witness questions, or active questioning of the witnesses by the jury and coroner. Unlike in a trial where the testimony given by a witness can potentially hurt one party's case, in an inquest there is no such concern as no party is found to be "at fault" at the end of an inquest. The emphasis is on getting to the truth of what happened. The participants should "leave no stone unturned".

The second objective for the students is to come up with creative solutions to prevent a similar death. While it is the jury's job to make recommendations at the end of the inquest, other participants should be encouraged to consider their own recommendations and how they could be implemented. Compare recommendations and consider how they could be implemented. Some solutions may prevent a similar death, but may not be practical.

Materials Needed

- Mock Coroner's Inquest Package
- Witness Roles Packages
 - Mock Coroner's Inquest for Aaron Fursledon
 - Mock Coroner's Inquest for Luke Patel

Room Set Up

The room should be set up like a courtroom:

- The Coroner sits at the front of the room at a table and faces the rest of the room.
- The Court Clerk sits at a table immediately in front of the Coroner and also faces the rest of the room.
- Counsel sit at separate tables (or one long table) facing the Court Clerk, with Inquest Counsel sitting on the Coroner's left side.
- The jury sits in a row of chairs at the side of the room, also on the Coroner's left side.
- The sheriff should stand between the jury and the Coroner.
- You can put a "public gallery" at the back of the room for spectators.

Division of Roles

The mock inquest includes the following roles:

- 1 Coroner
- 1 Court Clerk
- 1 Deputy Sheriff
- 3-9 Counsel
- 5 Witnesses
- 5 Jury Members

Total: 16-22 students

The most demanding roles are the counsel roles, especially Inquest Counsel. It is best to assign **at least two counsel to each party** (there are three parties total) which enables those assigned to counsel roles to work as a team in preparing their witness questions.

While there are only 5 jurors on an inquest jury, feel free to add more jurors if necessary. Because the jury has an active role – the jury members must come up with recommendations to prevent similar deaths – adding several other jurors is fine.

Materials Assigned to Students

Each student will be given a role sheet or a witness sheet according to the part they have been assigned to play. In addition, each student should get a copy of the Inquest Script Summary so they are aware of Inquest procedure.

It may also be helpful to provide each student with a copy of the Coroner's Role sheet and the Jury's Role sheet to highlight how an inquest is different from a trial.

Meeting with Witnesses

Counsel should meet with the witnesses they will call on direct examination to ask them questions and prepare for the inquest. They should not meet with the witnesses the other counsel will call.

Each witness role sheet will indicate which counsel has called the witness.

Other Options for Preparation

In an actual inquest many documents are introduced as exhibits throughout the proceeding. The procedure for how this is done during the inquest is explained in the Court Clerk role sheet.

Exhibits have not been prepared for this exercise, and the mock inquest is designed to work without any exhibits. However, if you would like to assign extra work to a student with a less demanding role, or to all the students, you can get them to create exhibits for use during the mock inquest. Some examples of exhibits which could be prepared include:

- an ambulance attendant report
- photos of the location where the deceased died
- the pathologist's report

Inquest Script Summary

1. The case starts with the sheriff calling: "Order in Court. All rise." Everyone stands. The coroner enters and takes his or her seat. Everyone sits down.
2. The sheriff calls the inquest. "In the matter of the death of _____, Mr./Ms. _____, the presiding coroner."
3. The coroner introduces himself/herself and the purpose of the inquest. "I am _____, the coroner in these proceedings. The purpose of this inquest is to determine when, where and how the deceased came to his death and to make recommendations to prevent similar deaths."
4. The coroner then swears in the sheriff: "Constable _____, do you swear that you will faithfully assist the coroner in the inquest into the death of _____ and perform such duties as the coroner shall direct and when the jury returns to consider its verdict you will not permit any person to speak to the jurors, or will you speak to them concerning the inquest or matters relating to the inquest, except to ask them if they have agreed on a verdict, so help you God?"
5. The sheriff states: "I will Mr./Madam Coroner."
6. The sheriff then swears in the court clerk: "Mr./Ms. _____, do you swear that you will faithfully and accurately, to the best of your skill and ability, report or record the evidence given at this inquest and transcribe or have transcribed, your notes, or the record of them, should that be required, so help you God?"
7. The court clerk states: "I will Mr./Madam Coroner."
8. The coroner or sheriff swears in the jury.
9. The coroner then addresses the jury.
10. Inquest counsel provides an opening statement.
11. Inquest counsel calls their first witness.
12. Counsel for party with standing cross-examines the first witness.
13. Counsel for the deceased's family cross-examines the first witness.
14. The coroner asks the jury if they have any questions for the witness. The jury members can then ask any questions they have to the witness directly.
15. The coroner can then ask the witness any questions.
Steps 7-9 are repeated for each inquest counsel witness.
16. Inquest counsel rises and says "That concludes our case Mr./Ms. Coroner."
17. Counsel for the deceased's family calls their witnesses.
18. Inquest counsel examines the witness.
19. Counsel for party with standing cross-examines their witnesses.

20. The coroner asks the jury if they have any questions for the witness. The jury members can then ask any questions they have to the witness directly.
21. The coroner can then ask the witness any questions.
22. The witness is then dismissed by the coroner.
23. Counsel for the party with standing calls their witness.
24. Inquest counsel examines the witness called by the party with standing.
25. Counsel for the deceased cross-examines the witness called by the party with standing.
26. Counsel for the party with standing then has the opportunity to re-examine their witness.
27. The coroner asks the jury if they have any questions for the witness. The jury members can then ask any questions they have to the witness directly.
28. The coroner can then ask the witness any questions.
29. Inquest counsel makes a closing statement to the jury (i.e. "That concludes our witnesses and evidence Mr./Madam Coroner").
30. The coroner instructs the jury.
31. The jury leaves to decide a verdict.
32. The jury returns.
33. The sheriff asks the jury for their verdict and recommendations.
34. The foreperson provides the jury's verdict and recommendations to the coroner.
35. The coroner then reads the jury's verdict and recommendations to ensure they are proper. Once he or she has determined they are proper, then the foreperson reads the verdict and recommendations aloud.
36. The coroner then asks "Do the majority of you agree?"
37. Those jurors that agree with the verdict say "yes." A majority verdict is sufficient.
38. The sheriff says "Order in Court. This inquest is now closed and the jury discharged." Everyone stands. The coroner leaves and the Inquest is completed.

Role of Coroner

Introduction to Your Role

The coroner's role is to review the circumstances around unnatural, unexplained, or unattended deaths. The coroner's responsibility is to determine the cause of these types of deaths in hopes that similar deaths can be prevented in the future.

All deaths that are unnatural, unexpected, unexplained or unattended must be reported to a coroner. Once a coroner receives a report of a death, he/she begins his/her investigation. The investigation can end in one of three ways:

1. Non-Reportable Death

If the coroner determines that the death was due to natural causes, the coroner will contact the personal physician of the deceased and that doctor will complete the medical death certificate.

2. Investigation Followed by a Report

When a death is reported to the coroner, he/she has the authority to collect information, conduct interviews, inspect and seize documents and secure the scene.

Once the coroner has concluded his/her investigation, he/she releases the findings in a report. This will include a cause and manner of death, and may include recommendations to prevent future deaths.

3. Coroner's Inquest

For certain deaths a coroner may decide to hold an inquest. A coroner may hold an inquest if he or she feels that it would be beneficial to address a community's concern about a death, or to promote public awareness about preventing future similar deaths. Inquests are mandatory in all police custody deaths.

An inquest is a formal court proceeding, with a five-person jury. The purpose of the inquest is to publicly review the circumstances of the death. Like a trial, the jury hears evidence from witnesses in order to determine the facts of the death. However, unlike a trial the jury's role is to find out the facts of what happened to cause the deceased's death and not to accord blame. No one is found "guilty" or "at fault" through an inquest, instead, the goal is to find out the truth of what happened to cause the deceased's death and to provide recommendations preventing future similar deaths.

This Inquest

In this case you have decided to hold an inquest into the death of the deceased. Like a trial judge you are in charge of the courtroom and the inquest process. It is up to you to ensure that the inquest is conducted fairly and properly.

Near the beginning of the inquest you will swear in the jury. A sample of the oath the jurors must swear is provided below.

It also your job to ensure the focus of the inquest is on providing the jury with the evidence of the facts of the death. During the inquest, counsel may start to ask questions that do not relate to the “what, when, why and how” the deceased died, and opposing counsel may object to these questions. When this happens you should consider whether or not counsel’s question does further the inquiry into the circumstances of the deceased’s death – you must “rule” on whether the question can be allowed. If the question is relevant, you can direct the witness to answer. If it is not relevant, then tell counsel to restrict their questions to the facts of the deceased’s death.

As you listen to the questioning of witnesses by counsel, you will need to make notes of what is said. These notes will be useful in your review of the evidence to the jury.

If you need to ask a witness any questions, wait until after the witness has been cross-examined and the jury has asked their questions. Like counsel, you are allowed to ask the witness any question that you feel will help shed further light into the circumstances of the deceased’s death.

After all the evidence has been presented you will “charge” the jury. In your “charge” you will remind the members of the jury of their oath and advise them of the law as it applies to their verdict. You may choose to review important parts of the testimony for their benefit. Try to remain neutral and avoid expressing opinions about what you think the outcome should be.

When you have finished the charge, the jury leaves the courtroom to deliberate. When they return with the verdict, you must accept it as long as it does not assign blame or vindicate any agency and as long as it makes no conclusions of law. You may disagree with it, but keep that to yourself. It is the jury’s role to make recommendations to prevent similar deaths.

Administering Oaths

In an inquest, the jurors must swear to diligently perform their role. It is your job to ensure that the jury is sworn in. Below is the oath which is administered to the jury members.

(Note to the coroner: the Sheriff uses this to swear in the jury. The jury will be sworn in as a group.)

“Do you swear that you will diligently inquire into the death of _____ and determine on the evidence presented at this inquest his (her) identity, how, when, where and by what means the deceased came to his (her) death and without partiality or bias towards any person, render a true verdict in accordance with such evidence, so help you God?”

Coroner’s Opening Statement

(Note to the coroner: use this to construct your opening address to the jury.)

“There are three purposes of an inquest. The first is that it provides a procedure through which the way in which the deceased died may be publicly determined. It allows for a finding of how, when where and why the deceased came to his/her death. The second purpose of an inquest is that it allows for a jury to make recommendations to prevent deaths in similar circumstances. And the third purpose is to satisfy the community that a death will not be overlooked.

“Members of the jury, your role is to determine how the deceased came to his/her death. You will have to decide whether the death was accidental, homicide, natural, suicide or undetermined. In addition, your job is make recommendations that may assist in preventing a similar death in the future. After hearing the evidence from all the witnesses, you will leave the courtroom and decide together what recommendations to make.

“In an inquest the strict rules of evidence do not apply and no one is on trial. Any oral testimony or document that is relevant to these proceedings and which may assist in determining what happened may be admitted. I, as coroner, have absolute discretion as to the weight and admissibility of evidence.

“To the members of the jury, base your verdict solely on the evidence before you. It is important that you distinguish between the arguments given to you by counsel, and the testimony of witnesses under oath. If the testimony of a witness conflicts with anything said by counsel, you should only consider the witness’s testimony.

“As I stated before, you must include in your verdict the name of the deceased person, and also how, when where and by what means the deceased person came to his (her) death. However, you will not make any finding of legal responsibility or express any conclusion of law in answering these questions. Subject to these restrictions, you may make any recommendations in respect of any matter arising out of the inquest and I would urge you to do so. This is the positive or preventative aspect of our coroner’s system, which is extremely important. If your recommendations are reasonable and practical, they may help to prevent deaths of a similar nature in the future.

I will now call on counsel for the coroner to provide a synopsis of the case.”

Coroner's Charge to the Jury

After all the evidence has been presented, the coroner must "charge" the jury. This means the coroner instructs the jury on the law of inquests, and the evidence. The first part of the charge is a general one, and would be used in any inquest. The second part is particular to the inquest that is in process. During the second part, the coroner sums up the evidence that the jury should consider during their deliberations to determine the cause of death and recommendations to prevent similar such deaths.

The following "charge" outlines the general section. Take it with you and read it to the jury. You will also be responsible for writing the section that sums up the evidence in this case. You will take that and read it too.

Charge to the jury:

"Now, Mr./Madam Foreman, ladies and gentlemen of the jury, before you leave the courtroom to deliberate, there are certain principles of the law of inquests on which I must instruct you.

"First, I would like to remind each of you of the oath you took at the beginning of this inquest. You each swore that you would diligently inquire into the identity of the deceased, and how, when, where and by what means the deceased came to his or her death without any partiality. It is important for you to keep in mind this oath and your role throughout your deliberations.

"A finding of the jury does not need to be unanimous. If there is a majority of the jurors that have made a certain finding, this should be provided.

"In addition, you should remember that the purpose of an inquest is not to accord fault or guilt, but to make findings of fact. You must not make any finding of legal responsibility or express any conclusion of law. That is not your role.

"As I mentioned at the beginning of the inquest, there are five categories for cause of death: accidental, homicide, natural, suicide or undetermined. You must choose the category that, on the basis of all the evidence, best represents the means by which the deceased came to his/her death.

"It is very important to understand that there is an extra burden of proof for a finding of homicide. In order to find that a death was a homicide there must be intentional action by someone to cause the death. It is not a failure for the jury to return a verdict of "undetermined."

"Turning now to the recommendations you make to prevent future similar deaths. It is necessary for you, as jurors to ensure that the recommendations you make have certain qualities. First, they should be practical. You should ensure that it is practical for the recommendations to be implemented. Second, they should be clearly made. A recommendation that is unclear is unlikely to be properly implemented, if at all. And third, the recommendations should be tied to the evidence in this case. Remember that the purpose of your recommendations is to suggest methods by which future similar deaths may be prevented.

“At this point I will briefly review the evidence we have heard at this inquest.”

Here you describe the evidence given by the various witnesses. Try to summarize the evidence you think will help the jury most in making their recommendations and determination of the cause of death. You may give the jury recommendations you think they may wish to consider, but for the purposes of this mock inquest, do not give them more than one or two.

Conclude with: “Go now into the jury room and deliberate. You may take a copy of the exhibits of the inquest with you. In the interests of time, I am asking that you conclude your deliberation in about a thirty-minute period.” (Note that in real inquest a coroner would give the jury as long as they need, but for this mock inquest the jury will have a half-hour).

Role of Inquest Counsel

Introduction to Your Role

You are going to be inquest counsel in this mock inquest. You have been appointed as inquest counsel by the coroner. Inquest counsel's role is a very important one. Your job is to ensure that the jury has all the facts necessary to make their determination of the cause of death, and to make their recommendations into how to prevent similar deaths. Recall that an inquest is a fact-finding procedure. You are responsible for ensuring that all the necessary facts are presented.

Inquest counsel are lawyers who are appointed by the coroner for a particular inquest. Like a Crown counsel in a criminal trial, you have the responsibility of collecting and presenting all the relevant evidence. In addition, your role is similar to a Crown counsel in that you have no interest in the outcome of the inquest. You are not interested in having a particular recommendation made, or a particular cause of death found. Your job is to bring the evidence before the inquest in a fair manner and to let the jury decide on the cause of death and what recommendations should be made.

It may seem difficult to remain impartial when you are asking witnesses questions about the circumstances of the deceased's death. However, it is very important that you remain unbiased and impartial. Your job is to present the evidence; it is up to the jury to draw conclusions from the evidence presented.

Coroner's counsel is a demanding role. You must know your case well. To prepare yourself for the role you should meet your witnesses and ask them questions about what happened. Also read the suggestions for your opening statement.

Write out a list of questions you want to ask each of your witnesses so that their evidence will come out during the trial.

Before calling your witnesses, you should address the jury. The purpose of this address is to provide a general framework of the case so that the jury will know who the witnesses are and why you are calling them.

The Approach

Your job is to present the evidence in a way that makes sense to someone who knows absolutely nothing about the death of the deceased. You are the person who is most familiar with all the facts of this case. The jury knows absolutely nothing. It is your job to ensure that all the evidence is presented to them in an orderly way.

First, it is important that you do not take for granted that they already know some of the facts. While some evidence may be very familiar to you, the jury has never heard it before. In addition, the order in which you present the evidence matters. Try to develop an order to your witness questions that makes sense. It may be

that you begin by asking your questions in a chronological manner, starting with the beginning of a witness's involvement in the events of the death. It may also make sense to ask certain similar questions together, developing a theme, such as, questions relating to a person's relationship to the deceased. Whatever your method, test your questions by putting yourself in the position of the jury to see if all the necessary evidence comes out and that the order makes sense.

The Opening Statement

After the coroner has made his or her opening address to the jury you, as coroner's counsel, will be required to make an "opening statement" to the jury. The opening statement should be quite brief.

In it, you introduce the case to the jury. You will list the witnesses that will be called, and the evidence you expect they will provide. For example, you can say, "I will be calling the pathologist who carried out the post-mortem of the deceased. He or she will tell you what they found during the autopsy." In this way, the jury will have some idea of who each witness is as you call him or her.

When you have finished your opening statement, call your first witness and begin presenting evidence.

Questioning the Witnesses

One of your most difficult tasks will be to prepare questions for the witnesses. It is important that you prepare these ahead of time so that you ensure that you cover all the necessary evidence in an orderly way – remember that the jury does not know anything about the circumstances of the deceased's death.

When you are examining your own witnesses try to ask "open-ended" questions and not "leading" questions. For example, if it was important that the jury know what time of day the deceased died you could ask the appropriate witness, "Approximately what time of day was the deceased hurt?" That would be an open-ended question. A leading question would be "The deceased was hurt at 5:30 pm, isn't that correct?" It is better if the witness gives the evidence in their own words instead of just agreeing with statements that you make.

When you are cross-examining witnesses that you have not called you are free to ask leading questions. However, don't feel obligated to cross-examine witnesses if you feel that all the necessary facts have been covered. Remember that it is not your job to "poke holes" in the testimony of other counsel's witnesses, rather, it is your job to ensure that the truth about what happened is revealed through all the evidence.

It is also your job to ensure that the focus of other counsel's questions is on the circumstances surrounding the deceased's death. Counsel for the deceased's family and counsel for participants have their own agenda and may often stray into questions that are focused on blame. You should object to this kind of questioning on the basis that it is irrelevant as it does not further the jury's

understanding of the circumstances of how, when, where and why the deceased came to their death.

When you conduct direct examination of one of your witnesses, it may be helpful to take the appropriate witness role sheet to the podium and to check off all the evidence of that witness as it is revealed through your questions.

For example, suppose one of the people called to the scene of the deceased's death was a police officer, Jennifer Yuen. You would begin by examining Officer Yuen in the following way:

Q. Officer Yuen, what police force are you with?

A. Local police.

Q. And for how long have you been a member of that force?

A. _____ years.

Q. What division have you been assigned to?

A. The forensic services section.

Q. And you were employed in that capacity on _____ (date)?

A. Yes, I was.

Note that nothing is taken for granted. You do not assume that the jury knows who this witness is, what police force she is with, that she works in forensics, or anything else.

You may also want to introduce certain exhibits during the inquest. In order to do this you must question the witness who created the document or found the evidence that is to become the exhibit. For instance, suppose the police officer took some pictures of the scene near where the deceased was found. Ask the court clerk to produce the photos and provide them to the police officer. Ask the officer to identify the photos.

Q. Did you take these photos?

A. Yes.

Q. How do you know these are photos you took?

A. My initials and the date they were taken are on the back of the photos.

Q. When were they taken?

A. October 12 at about 4:25 in the afternoon. I took them about 30 minutes after I arrived on the scene.

Each exhibit must be introduced in this way. Be thorough and careful. When you ask the court clerk to produce an exhibit, present it to the other counsel who will indicate their approval of the exhibit.

The golden rule is: If you don't ask it, the jury won't know it.

Role of Counsel for the Family of the Deceased

Introduction to Your Role

You are going to be counsel for the deceased. This means that you represent the interests of the family of the person who died.

The family of the deceased is not always represented at an inquest. The *Coroners Act* allows a person whose interest may be affected by evidence presented at the inquest to appear personally or by counsel, but there is no requirement that they do so.

In this case, the family of the deceased would have made an application to participate at the inquest and be represented by counsel, and would have hired you to do this on their behalf.

Generally speaking, your job is to present the interests of the family of the deceased. What this means in the context of each inquest will be different. For instance, consider the manner in which the family was informed of the death of the deceased – was it done in a respectful and timely manner? Another example of the family's interests could be in the way in which the police and/or coroner ask questions about the deceased during their investigation. What if the family members do not speak English - were they offered an interpreter? Was the family provided with adequate support – was Victim Services called?

The interests of the family will be different in every case, however, as with anyone who has suffered the loss of a loved one, they will want to have been treated with respect, and will also want the memory of their deceased family member to be treated with respect.

Remember that the death of the deceased was a sudden event, and the family is suffering a loss. You are their advocate and your job is to ask questions that reveal the events from their point of view.

The Approach

Your job is to present the evidence of your witnesses in a way that makes sense to someone who knows absolutely nothing about the death of the accused. It is your job to ensure that all the evidence is presented to the jury in an orderly way.

However, you will not have a chance to present direct evidence until after the coroner's counsel has finished calling all of his or her witnesses. Therefore much of what you will do at the beginning of the inquest will be cross-examination. The coroner's counsel will focus their questions on the events of the deceased's death; however, you may need to ask the witness questions which are more focused on the interests of the family.

In addition, you will be calling a member of the deceased's family as a witness. The purpose of this witness is to provide evidence about the deceased's personality and how they were behaving around the time they died. This witness

is also important because their evidence serves to remind the jury that this inquest is about a real person and that this death has affected others.

The Opening Statement

Unlike counsel for the coroner, counsel for parties with standing, do not have the opportunity to address the jury directly. As such, you should ensure that your perspective on the evidence is provided through your cross-examination and through the direct examination of your witnesses.

Questioning the witnesses

One of your most difficult tasks will be to prepare questions for the witnesses. It is important that you prepare these ahead of time so that you ensure that you cover all the necessary evidence in an orderly way – remember that the jury does not know anything about the circumstances of the deceased's death.

When you are examining your own witness try to ask “open-ended” questions and not “leading” questions. For example, if it was important that the jury know what time of day the deceased died you could ask the appropriate witness, “Approximately what time of day was the deceased hurt?” That would be an open-ended question. A leading question would be “The deceased was hurt at 5:30 pm, isn't that correct?” On direct examination it is better if a witness gives the evidence in their own words instead of just agreeing with statements that you make.

When you are cross-examining witnesses (witnesses that you have not called) you are free to ask leading questions. Remember that your role is to advocate on behalf of the deceased's family, and to try to bring forward the evidence that presents how they experienced the deceased's death.

The golden rule is: If you don't ask it, the jury won't know it.

Role of Counsel for a Party with Standing

Introduction to Your Role

You are going to be counsel for a party with standing. This means that you represent the interests of that party.

The *Coroners Act* allows a person whose interest may be affected by evidence presented at the inquest to appear personally or by counsel. This includes corporations and government authorities and their appointed counsel. There is no requirement that persons with an interest participate in an inquest.

Your job is to represent your corporation or government's interests during the inquest. An inquest is a fact-finding procedure, but other counsel's questions may at times appear to lay blame for the deceased's death on the party you represent. It is your job to object to such questions.

You will also want to remember that the jury must make a determination of the deceased's cause of death from amongst the following choices: accidental, homicide, natural, suicide or undetermined. Remember that the jury will only be able to find that the death was a homicide if there is evidence that someone *intended* to cause the death of the deceased. You will want to ensure that the jury has all the evidence to make a proper determination of the cause of death.

The Approach

Your job is to present the evidence of your witnesses in a way that makes sense to someone who knows absolutely nothing about the death of the accused. It is your job to ensure that all the evidence is presented to the jury in an orderly way.

However, you will not have a chance to present direct evidence until after the coroner's counsel and counsel for the deceased's family have finished calling all of their witnesses. Therefore much of what you will do at the beginning of the inquest will be cross-examination. The coroner's counsel will focus their questions on the events of the deceased's death, however, you may need to ask the witness questions which are more focused on the interests of the party you represent.

The Opening Statement

Unlike counsel for the coroner, counsel for parties with standing, do not have the opportunity to address the jury directly. As such, you should ensure that your perspective on the evidence is provided through your cross-examination and through the direct examination of your witness.

Questioning the Witnesses

One of your most difficult tasks will be to prepare questions for the witnesses. It is important that you prepare these ahead of time so that you ensure that you cover all the necessary evidence in an orderly way – remember that the jury does not know anything about the circumstances of the deceased's death.

When you are examining your own witness try to ask “open-ended” questions and not “leading” questions. For example, if it was important that the jury know what time of day the deceased died you could ask the appropriate witness, “Approximately what time of day was the deceased hurt?” That would be an open-ended question. A leading question would be “The deceased was hurt at 5:30 pm, isn't that correct?” On direct examination it is better if a witness gives the evidence in their own words instead of just agreeing with statements that you make.

When you are cross-examining witnesses (witnesses that you have not called) you are free to ask leading questions. Remember that your role is to ensure that no one tries to accord any liability to the party you represent, and to try to bring forward evidence that demonstrates your party is not responsible.

The golden rule is: If you don't ask it, the jury won't know it.

Court Clerk's Role

Introduction to Your Role

You will be the court clerk in this mock inquest. The clerk performs a number of administrative functions. The court clerk is also called "the registrar of the court" and is addressed as "Mr. Registrar" or "Madam Registrar".

The court clerk is responsible for keeping official notes of the inquest on a minute sheet, which becomes part of the official record of the inquest.

Exhibits

The court clerk is also responsible for receiving, marking and recording exhibits. Exhibits are documents or other evidence which is referred to by witnesses. Exhibits should be numbered A, B, C, etc. Counsel may introduce exhibits by questioning witnesses about them. Counsel will have given you the exhibits on which the witnesses may rely before the inquest begins. As counsel ask you for an exhibit, choose the appropriate one and hand it to them. When counsel has finished, he or she will hand it back to you and state that they would like it marked as an exhibit and you will call out the next letter to the coroner. For example, say "Exhibit A, Mr./Madam Coroner."

Administering Oaths

Like at a trial, witnesses at an inquest provide evidence under oath. Each witness must be sworn in before he/she gives his/her testimony. It is your job to administer an oath to each witness as he/she takes the stand. A witness may either swear an oath by taking a holy book of their choice in their right hand, or may make a solemn affirmation. Ask the witness whether they would prefer to swear or affirm.

The oath is as follows:

"Do you swear that the evidence that you will give at this inquest into the death of _____ shall be the truth, the whole truth and nothing but the truth, so help you God?"

The affirmation is as follows:

Do you solemnly promise, affirm and declare that the evidence that you will give at this inquest into the death of _____ shall be the truth, the whole truth and nothing but the truth?"

As a clerk you should be very familiar with the "Inquest Script Summary" and be aware of when you need to speak and what to say.

Deputy Sheriff's Role

Introduction to Your Role

As a deputy sheriff, you are not a police officer. You are a constable, however, and you have all the powers of a constable around the courtroom. The atmosphere of the courtroom is one of dignity and respect, and as a deputy sheriff, it is your responsibility to maintain this. When in court you may be armed and you must provide security for the coroner and jury.

Usually there are two deputy sheriffs at an inquest but for the purposes of this mock inquest there will be one deputy sheriff. The coroner will ask you to take an oath to assist him or her throughout the inquest.

The deputy sheriff is responsible for the jury. He or she will meet the jury in the morning and will escort them to the inquest, to lunch, and to their point of dispersal when the inquest is finished for the day. You will therefore escort the jurors in and out of the courtroom, will sit close to them in court, and act as a liaison between the jury and the court when the jurors are deliberating in the jury room.

In addition, the deputy sheriff is responsible for the coroner. You should be prepared to begin the inquest proceedings by escorting the coroner to the courtroom, entering the courtroom just ahead of the coroner and saying in a loud, clear voice, "Order in Court." The coroner will then enter the courtroom and sit at the bench. It is your responsibility to ensure the safety of the coroner and the jurors.

Finally, it is also the sheriff's job to maintain security of all the exhibits entered. For instance, any physical evidence that was collected during a police or coroner investigation will be in your custody.

Administering Oaths

In an inquest, the jurors must swear to diligently perform their role. It is your job to ensure that the jury is sworn in. Below is the oath which is administered to the jury members.

(Note to the sheriff: use this to swear in the jury. The jury will be sworn in as a group.)

"Do you swear that you will diligently inquire into the death of _____ and determine on the evidence presented at this inquest his (her) identity, how, when, where and by what means the deceased came to his (her) death and without partiality or bias towards any person, render a true verdict in accordance with such evidence, so help you God?"

Jury's Role

Introduction to Your Role

For the purposes of this mock inquest we will not go through the jury selection process. The inquest will proceed as though you had already been selected as a jury member.

In an inquest, the jury has a very important role. It is the jury's job to determine who died (this is usually quite straightforward), and to decide whether the death was accidental, homicide, natural, suicide or undetermined. This is called the "verdict at coroner's inquest". In addition, the jury is responsible for making recommendations based on the evidence which, if implemented, would help to prevent deaths in similar circumstances. This is called the "verdict at coroner's inquest".

You will swear or affirm to "inquire diligently" into the death "without fear or affection, prejudice or partiality towards any person." What this means is that you are unbiased in hearing the evidence, but will also take an active role in the inquest procedure. After counsel have finished asking a witness questions, you may ask the witness anything which has not been raised by the parties and which you feel would be of assistance to you in your role as juror. You are encouraged to ask questions to clarify any of the evidence which was not clearly presented.

The Evidence

You are entitled to accept the evidence of one witness and reject that of another, and you are entitled to accept part of the evidence of one witness and to reject part of the evidence of that same witness. You should closely examine all the witnesses as they appear before you. Consider their demeanor. Are they honest or evasive, partial or impartial? Have any of them an interest to serve? Consider the evidence of one witness against that of another before you decide on the credibility of a particular witness. Use your own common sense and experience when considering if you will accept all, some or none of any one witness' evidence.

During the inquest, inquest counsel will make an opening statement about the evidence which will be presented. He or she will lead the questioning of each witness, following which all other counsel who have been granted participant status will cross-examine the witness.

Then, before you leave to deliberate, the coroner will formally "charge" you. In this "charge," he or she will instruct you on the law as it relates to the inquest, and you must accept the law the coroner gives you. The coroner will also summarize the evidence, including the key points. This review of the evidence is the coroner's opinion of the relevant facts of the case. It is one opinion, and you can accept or reject it. The coroner will also include any suggested recommendations he or she may have for the jury to consider.

Your Verdict and Recommendations

When the coroner has finished the charge, you will be taken to the jury room to consider your verdict. It is not necessary that you be unanimous in your verdict. A majority of jurors is sufficient.

Then you will need to consider your recommendations to prevent deaths in similar circumstances. It is important that your recommendations meet certain requirements. First, they should be practical. You should ensure that they could actually be implemented. Second, they should be clearly made. It is important that you clearly direct who should be implementing the recommendation and what needs to occur. And third, the recommendations should be tied to the evidence in this case. You may feel that there are other things people or corporations could also improve, but your job is to ensure that a death similar to the one which has occurred is prevented. You should not expand this scope to make other recommendations.

When a real inquest starts, the coroner asks the jury to select a “foreperson” or “representative” – the person who leads the jury in discussion and gives the verdict of the jury in court. For the purpose of this mock inquest, the person who is sitting in the front seat of the jury box closest to the coroner will be the foreperson. It is then his or her responsibility to lead the discussion in the jury room. A good way of doing this is for the foreperson to go around the room and ask every juror to state his or her verdict and the reasons for it. When this is done, a short discussion should follow and then a formal vote on the verdict should be conducted. This should then be followed by a discussion about the recommendations to make. One person should write down all the recommendations that are agreed upon.

When the jury returns to the courtroom, the foreperson or representative will be asked to provide their verdict to the coroner, who reads it, but not aloud, to determine if the verdict and recommendations are proper. If the verdict and recommendations comply, the foreperson or representative will read them aloud. The coroner will then ask each of you whether you agree with the verdict – you all stand and either say “I agree” or “I do not agree” in turn. Note that you do not need to be unanimous in your verdict of the classification of death, a majority is sufficient.

Sample Counsel's Notebook

Counsel all prepare for an inquest differently. The key is to find a method that works well for you and to use it to ensure you are well prepared.

Prepare the questions you plan ask each witness in advance, and practice asking your questions with a partner to see if they are clear and in a logical order. During the mock inquest listen carefully to the testimony given by each witness and take notes of what they say.

General Notes

Prepare general notes about the case you plan to present. You can use this space to prepare your Opening Statement if you are Inquest Counsel.

Inquest Counsel Witness 1

Inquest Counsel calls the first witness – “I would like to call _____ as my first witness.”

Inquest Counsel Witness 2

Inquest Counsel calls the next witness – “I would like to call _____ as the next witness.”

Inquest Counsel Witness 3

Inquest Counsel calls their last witness – “I would like to call _____ as my final witness”

Counsel for the Family of the Deceased's Witness

Counsel for the Family of the Deceased calls their witness – “I would like to call _____ to testify.”

Counsel for the Party with Standing's Witness

Counsel for the Party with Standing calls their witness – “I would like to call _____ to testify.”