

nightly, 6 per cent monthly, 18 per cent per cent every 3-12 months, and 26 per cent less than once a year, or never.

#### On the net

The website *www.inter-netvisitation.org* is set up by US computer security consultant Michael Gough, who came to virtual visitation through personal experience when his wife moved interstate with their daughter.

Gough was involved in initiating the first two virtual visitation laws in the United States, in Utah and Wisconsin, and works with others seeking legislation in over 25 states. Proponents argue that legislation is needed to make judges aware of their options.

His website stresses that virtual visitation is intended to supplement, never replace, in-person time between a child and both parents.

Different US literature and on-line anecdotal evidence are full of tips: for example, while it might be appropriate for lawyers to specify the number of parent initiated interactions at scheduled times every week, children should perhaps be allowed to initiate them whenever they want. Children might want to use them to play games, show a parent a lost tooth or just chat.

Proposals might involve a parent undertaking to send regular emails on behalf of children and a commitment to print all emails and faxes sent to them, and read them to children if necessary. The most comprehensive proposals might see a commitment by the custodial parent to give the other parent enough notice to attend events, or otherwise undertake to video them.

A landmark US case, *Hernanda-MoravJex* (2001) in Colorado, saw the case settled by having the child and father live in Spain, while the mother remained in US. The agreement spelled out that the father would provide an appropriate computer and service plan for the mother and pay for a DSL line or greater bandwidth quality for the mother for two years, and create and maintain a website for the child with the child's schedules, activities, pictures and information. □

# Mock trials set lawyers on their paths

The skills learnt in school mock trials have wide benefits in later legal practice.

JODIE THOMSON reports.

THEY ARE SCHOOL students untrained in law, playing parts in a fictional legal script, but the skills and confidence on show at many mock trial competitions are enough to impress senior legal practitioners.

"The performance of many students is so good, you'd be forgiven for thinking they were first-year barristers," says Robyn Cross, coordinator of mock trials, with the Law Society of NSW. "To see the schoolkids arguing points of law with judges, without being embarrassed or inhibited, it's just amazing."

Indeed, mock trial competitions are considered a valuable early training ground for would-be law students and lawyers. Cross says they are designed to give students a realistic insight into the legal world.

"The legal profession is heavily involved in the competition, as judges and coaches," she says.

The year-round NSW competition involves students in years 10 and 11 competing in scripted legal trials, with teams comprising student solicitors, barristers, witnesses and court officers. The various rounds culminate in a grand final, with the winning team competing in the International Mock Trial against the winner of a similar competition in the United Kingdom.

"They're using skills similar to those used in debating – working with a team, thinking on their feet," says Cross.

The many mock trial competitors who do go on to study

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and practice law have a distinct advantage over other legal students.

"They are so far advanced, because they're familiar with things like statements of claim, court attendance notices," says Cross. "They see all these documents and know how they work."

#### People skills

Not only did mock trial competitions convince Michael Zissis he wanted to study law, but they led him directly to a scholarship at Bond University.

Bond University sponsor the Mock Trial Competition by providing a part-fee scholarship for the best advocate in the grand final.

"I was in the state mock trial semi finals, when I was approached by a scout from Bond University who said I should apply for a vice-chancellor scholarship," Zissis says.

Now practising law with Deacons in their Brisbane office, working in corporate and commercial law, Zissis insists it was the practical skills he learnt through mock trials that were of most value in his studies and legal career.

"I had a real jump on other students," he says. "The advocacy and litigator skills have such a wide application."

While doing mock trials as a year 10 and 11 student, Zissis became convinced he wanted to work as a litigator. In his career so far he's had a taste of various types of law, including environment and planning, and insolvency. He isn't currently working in litigation, but says the advocacy skills he gained from mock trials relate to many areas of practice.

"The law is all about people skills and presenting yourself well and talking, and that really helped me," he says.

#### A passion

Barrister Andrew Stone remembers how much he loved doing mock trials as a Sydney Grammar student – the late nights spent practising, the hours preparing detailed arguments for each competition were all worthwhile, given his passion for the competition. More importantly, the experience highlighted for him very early which direction he wanted his future legal career to follow.

"Mock trials introduced me to how much fun cross-examination was, and what a real adrenaline rush it gave you," Stone says. "What took me to the Bar more than anything was that."



Now with Sir James Martin Chambers, Stone was one of the team that won the 1984 mock trial grand final. "We had a very enthusiastic coach, and I remember the late nights of practice with him," he says. "We were all debaters, but mock trials were different. We were very good at it."

While it fired up his love of cross-examination, Stone doesn't feel the tightly structured mock trial format really gave much sense of the reality of legal practice.

"You're dealing with such confined facts, and it's all so strange and new," he says. But it does offer far more than moot court subjects that are part of most university law degrees.

"Mock trials give you some colour and passion. It's more robust and real, rather than academic like moot court." His association with mock trials continues, as a sometime judge for local competitions. "There are vast amounts of volunteer work that people put into it," he says.

#### Extra confidence

As part of the winning team of the first ever international mock trial competition in 1998, Alanna Van de Veen has fond memories of her

mock trial days. The experience she gained while competing at school was an essential grounding in her current career, as a civil and criminal litigator with Emery Partners in Newcastle.

"It really gives you that extra confidence when you're going into uni, that you know how the whole process works," she says.

Throughout her schooling, Van der Veen had hopes to study law and did legal studies from year 8, before doing mock trials in years 10 and 11. But it was the mock trial competitions that made it clear she was most interested in litigation.

"I played a barrister in the mock trials and I really enjoyed the advocacy, the cross examination," she says.

When she did study at law at Newcastle University, with its strong practical focus, she found her early introduction to legal concepts through mock trials a great help.

"It gave me practice at having to think on my feet and dealing with quite foreign issues," she says.

Another major benefit was valuable early contacts in the legal industry.

"I enjoyed it because we got to work with a local barrister,

**Ground work for a career in the law ... Alanna Van de Veen started her journey to a career in the law as a barrister in the Law Society's Mock Trial Competition. In 1999 Van de Veen (opposite page, centre) was a member of the Merewether High School team that participated by video conference in the first International Mock Trial Competition, pitting Australian students against a school from the UK. She now briefs the barrister who coached her as a school student.**

which was where I was thinking I'd like to work," she says. "And those contacts really helped. I now brief the barrister who coached me, and he has been a good mentor to me."

#### Team work

He may not have competed in mock trials himself, but lawyer Christopher Plummer knows exactly how valuable the competitions are to students and future lawyers. As a mock trial coach at a high school in Sydney, he has witnessed many students gain a range of skills and experience while taking part in the competitions.

"I started coaching when my daughter was in year 11 and they didn't have a mock trial coach, so I stepped in," he says. "The most important thing I think the students learn is to work as a team. The whole structure of the competition helps them develop team skills."

It's also an effective confidence builder.

"It seems to help them develop the confidence to stand up and say things in difficult circumstances," Plummer says. "They derive a fair bit of self satisfaction from that."

Mock trials give students a taste of the hard work, preparation and dedication that's involved in a legal trial, he says, and all that can help them decide if law is something they want to pursue.

"The kids who do this are usually fairly intelligent and articulate to start with, but they learn things like the discipline to have something ready within a deadline, and the need to be organised," he says. "It's a mock situation, but they're having to work under extreme pressure." □

*Any lawyer interested in participating as a mock trial coach or magistrate can contact Robyn Cross at the Law Society, phone 9926 0253, fax 9231 5809, email [rlc@lawsofnsw.asn.au](mailto:rlc@lawsofnsw.asn.au).*

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