

SIMULATING THE TOP COURT: FIRST TIME JITTERS

Humour helps prosecutor make smooth debut

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Ontario Crown prosecutor Kimberley Crosbie's Supreme Court of Canada debut didn't start out quite as she had planned.

"Good morning, chief justices," Ms. Crosbie stumbled nervously, drawing a ripple of laughter from Chief Justice Beverley McLachlin and the eight lesser gods who dwell atop the court system.

"It did rattle me," Ms. Crosbie reflected afterward. "It made me worry for a moment that I was going to be more nervous than I anticipated. But seeing the smiles and being able to laugh at the gaffe - funnily enough - did end up relaxing me a bit."

It would prove to be Ms. Crosbie's last misstep in an appeal that centred on two potentially conflicting verdicts a jury had delivered in a child-killing case. The balance of her submission was fluid and went off without a hitch.

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Ms. Crosbie credited her mock appeal, held a week earlier before a panel comprised of lawyers Neil Finkelstein, Brian Greenspan and Scott Hutchison.

The panel had heaped praise on the quality of Ms. Crosbie's written brief, allowing her to walk into court feeling secure about her legal arguments. However, they had expressed repeated concerns about her rapid-fire delivery. As a result, Ms. Crosbie had written "SLOW DOWN" at intervals throughout her speaking notes; a constant reminder that worked.

Based on a suggestion from Mr. Hutchison, she had also prepared a chart that broke down the elements of the jury verdicts and applied them to the evidence in the case. "It was a great suggestion," Ms. Crosbie said. "As I was reviewing it, seeing the justices seemingly look at it carefully and with intent, I thought: 'Gee, am I ever glad I did this chart.' "

She also developed responses to every question the panel had asked her, plugging the weaknesses in her presentation.

"That the panelists would give their time and energy in this way is really quite wonderful," Ms. Crosbie said. "I couldn't recommend the experience highly enough."

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