Civil Bench Trial

(Bailiff asks for all to rise, announcing the judge, county and precinct.)

**Judge: Good morning. My name is Judge \_\_\_\_\_\_. You’ve met the Bailiff, \_\_\_\_\_\_\_\_\_ already. My court clerk, \_\_\_\_ , (is seated here OR may also enter the courtroom from time to time and if he/she does, he/she will sit here.)**

**This other chair is called the witness stand and anyone who will be giving testimony under oath will sit here to speak.**

**Today we have the case of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ v \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**Are both parties ready?**

(Allow both parties to answer.)

**This is a civil case. No crime has been committed. One citizen claims that another citizen has done something wrong and is bringing that claim to this court.**

**It is important to keep all electronic devices OFF. If your phone is not turned off, the Bailiff will hold it until the trial is over.**

**This case will not likely last longer than a couple hours, but I will pay attention to the need for comfort breaks as needed.**

**My role is to apply the law and make sure that the case proceeds fairly.**

**One of the things I like to remind both parties of is that the justice court rules permit me to ask questions of witnesses. This is to ensure I have all the information that I need to make the right decision. If I do ask any questions, please do not think that means I prefer one side over the other. I have no opinion of this case.**

**The rules of court proceedings are that the party who filed the case must present their case first. In this case, that means that the plaintiff will always go first. The Defendant will always have an opportunity to respond.**

**We will begin with opening statements. Then the Plaintiff will have any witnesses testify and provide any physical evidence they are relying on. The Defendant will then have a chance to question those witnesses and look at any physical evidence presented. When the plaintiff is finished, the Defendant, will have the chance to call any witnesses and provide any physical evidence they would like you to consider. The Plaintiff may choose to put on a rebuttal case. Both sides will then have a chance to make their final argument and I will then decide the case.**

**Both sides will have 5 minutes for an opening statement.**

**Plaintiff, you may make an opening statement at this time.**

(once the Plaintiff is finished)

**Defendant, you may begin you opening statement.**

(once the Defendant is finished)

**Plaintiff, please call your first witness. You may also testify yourself.**

*\*\*\*If they choose to testify, they should take the stand and be sworn in like any witness.\*\*\**

*\*\*\*If there are any documents either party wants to use during this trial, make sure that they show each other before showing the witness or the court.\*\*\**

*\*\*\*If there are items a side wants shown to the jury, it should be handled like this: Members of the jury, the (Plaintiff/Defendant) has an item for you to examine. Bailiff, will you show the item to the jury? (Bailiff hands the document to the jury).\*\*\**

(To the witnesses) **Please take the stand and to be placed you under oath. Raise your right hand: “Do you solemnly swear to tell the whole truth, and nothing but the truth”?**

**Plaintiff, you may begin to ask questions.**

(once the Plaintiff has finished)

**Defendant, do you have any question for this witness?**

(If yes, allow them to ask, if no, ask the witness to step down.)

**You may begin to ask question now.**

(once the Defendant is finished)

**Plaintiff, do you have any follow-up questions?**

**\*\*\*You may allow the Defendant and State to continue to take turns asking follow-up questions, but do not have to.\*\*\***

(If yes, allow them to ask, if no, ask the witness to step down.)

(to the witness) **Please stepdown from the witness stand.**

*\*\*\*Follow this same process for any additional witnesses.\*\*\**

*\*\*\*Once the Plaintiff is finished with their witnesses and documents, they might say that they “rest.”\*\*\**

**Defendant, do you have any witnesses that you would like me to hear from? You may also testify yourself.**

*\*\*\*If they choose to testify, they should take the stand and be sworn in like any witness.\*\*\**

**Defendant, please call your first witness.**

(once the Defendant has finished)

**Plaintiff, do you have any question for this witness?**

(If yes, allow them to ask, if no, ask the witness to step down.)

**You may begin to ask questions now.**

(once the Plaintiff is finished)

**Defendant, do you have any follow-up questions?**

**\*\*\*You may allow the Defendant and State to continue to take turns asking follow-up questions, but do not have to.\*\*\***

(If yes, allow them to ask, if no, ask the witness to step down.)

(to the witness) **Please stepdown from the witness stand.**

(Follow this same process for any additional defense witnesses.)

**Defendant, do you have any further witnesses or any documents you want to introduce?**

(If yes, follow the procedure above, if no, say the below.)

**Thank you both for presenting your cases. At this time, both sides will have a chance to make a closing argument. Each side will have 10 minutes. Plaintiff, you may reserve up to 2 minutes of the 10 for a potential rebuttal.**

**After hearing the arguments from both sides:**

* I am prepared to give my judgment. I rule in favor of the \_\_\_\_\_\_\_\_ and award \_\_\_\_\_\_\_\_\_\_.
* I am going to take a brief recess and return shortly with my judgment.
* I am going to take my decision under advisement and will issue a ruling in open court on \_\_\_\_\_ (date).

*\*\*\*For steps on handling the verdict and judgment, please see Chapter 6 of the Trail Procedure deskbook.\*\*\**