

Mock Civil Trial

New Judge School 2016-2017

Characters: Bailiff, Judge, Plaintiff, Defendant, Jenkins (witness)

****Bailiff Calls Court to Order****

Bailiff: All rise

Judge: Please be seated. We're here today for the case of Jack Smith vs. A-1 Autobody. Are the parties present and ready to proceed? Mr. Smith?

PLT: Yes.

Judge: Is there a representative from A-1 Autobody?

DEF: Yes.

Judge: And what is your name and relationship to the Defendant company?

DEF: I'm the owner, sir. My name is Samantha Miller.

Judge: Ok, thank you. As neither of you have selected to have a jury, I will be hearing the facts of this case and deciding the outcome. One thing that I do want you to know about is that the rules in justice court permit me to ask questions, call witnesses and ask for documents. So please do not be offended or read anything into the fact that I may do one of these things. I am just trying to make sure I have all the information that I need to make the right decision. Mr. Smith, do you wish to make an opening statement? You may remain seated at the table.

PLT: Yes, judge. I took my 2006 Honda accord into the A-1 repair shop. They did fix the car – and I paid the bill – but I think they overcharged me. My best friend is a mechanic and he looked at the bill and told me it was about \$400 too high. So, I just want my money back.

Judge: Ms. Miller, do you wish to make an opening statement?

DEF: Yes. I just want to say that my shop does not overcharge. It was a fair rate for good work and I have plenty of other receipts from past jobs to prove it.

Judge: Ok, Mr. Smith, do you want to call a witness or testify yourself?

PLT: I guess I'll go first.

Judge: please take the stand and raise your right hand. Do you solemnly swear to tell the truth the whole truth, and nothing but the truth?

PLT: Yes.

Judge: Go ahead.

PLT: It's like I said, I needed work done on my 2006 Honda accord. When I picked up my car and paid my bill, it seemed high. Then I was complaining about it to my best friend. He's a mechanic. He asked me to see the receipt and said," whoa, that's about \$400 bucks too high."

DEF: Your honor.

Judge: Yes Ms. Miller?

DEF: Is he allowed to say what his friend said?

Judge: Yes. In justice court, the rules of evidence do not apply in a civil case.

DEF: Oh, ok.

Judge: Mr. Smith, you may continue.

PLT: That's all I've got. Just that and I want my \$400 back.

Judge: Ms. Miller, do you have any questions for Mr. Smith?

DEF: Yes.

Judge: Ok, you may proceed.

DEF: Why didn't you say anything when you got your car if the bill was too high?

PLT: I don't know much about cars, so it seemed high, but I didn't want to seem like a jerk.

DEF: Do you think we did a good job fixing it?

PLT: Yes. It's still running great.

DEF: I am finished, judge.

Judge: Mr. Smith you may step down. Do you have any witnesses or documents you want me to consider?

PLT: Yes, my friend I told you about, Rick Jenkins.

Judge: Mr. Jenkins, please come forward and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

Jenkins: I do.

Judge: Mr. Smith you may ask him questions.

PLT: Rick, what do you think about the charge I got for getting my car fixed?

Jenkins: I thought it was too high.

PT: Remember what you said when I showed you the bill?

Jenkins: Yeah, I said it was too much by a few hundred dollars.

PLT: I don't have any other questions.

Judge: Mr. Jenkins, I have some questions. How long have you been a mechanic?

Jenkins: About 5 years now.

Judge: And how long have you known Mr. Smith?

Jenkins: Since high school. So, about 28 years now.

Judge: Thank you. Ms. Miller, do you have any question for Mr. Jenkins?

DEF: Yes.

Judge: Go ahead.

DEF: If you know so much about cars, why didn't you fix his car?

Jenkins: I think he needed it worked on while I had the flu, so I wasn't in work for about a week.

DEF: Ok, I don't have any other questions.

Judge: Mr. Jenkins, you can step down from the witness stand. Thank you.

Judge: Mr. Smith, anything else?

PLT: That's it.

Judge: I'm going to consider that you've rested your case. Ms. Miller, do you have any witnesses or document.

DEF: I'd like to speak and I have some receipts.

Judge: Please take the stand and raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

DEF: Yes.

Judge: Go ahead.

DEF: I just don't understand why I'm here. We did good work – he admits it – and it was a fair price for that type of work. I know it is because I brought receipts from 10 other jobs that were for the same thing. They were all the same price and none of these people sued me.

****Hands the court the receipts****

PLT: Is she allowed to just show you those things?

Judge: Yes. Like I mentioned because there are no rules of evidence in justice court civil cases. However, these receipts would likely be admitted even if the rules did apply because these are what's referred to as business records.

PLT: Ok.

Judge: I am going to have the bailiff pass them to you so that you can review them also. Bailiff.

****Judge hands them to bailiff as he flips through them****

Judge: Do you have anything else, Ms. Miller?

DEF: No.

Judge: Mr. Smith, do you have any questions for Ms. Miller?

PLT: No. I really don't know enough about cars to ask anything.

Judge: Ok, Ms. Miller you can step down. Do you have anything else for the court to consider?

DEF: No.

Judge: Ok, Mr. Smith, would you like to make any closing remarks?

PTL: Just that I know Rick wouldn't lie. If he says I was over charged, that's the truth.

Judge: Ms. Miller, any final statement?

DEF: I disagree with his friend. We run an honest business and my prices are fair. I shouldn't have to return money to him, especially since I did good work.

Judge: Now that I've heard both sides, I am ready to announce my decision. After I do so, I will sign the judgment prepared by the clerk.....

What would your ruling be?