

Judge's Directions

As a judge, you are in total control of the courtroom and the trial that will take place. You are a non-biased person interested only in insuring that the defendant receives a fair trial and that the law is followed. Most judges have studied the law and have been lawyers for a number of years. Your responsibilities are great, and each and every decision you make is critical. Since you will not enter your courtroom with the education, experience and knowledge most judges have, you will have to rely on common sense.

Four general responsibilities

1. You preside over the trial, ruling on procedural conflicts between attorneys and on questions of law.
2. You oversee the other courtroom personnel such as bailiff, recorder, and clerk to make sure they are doing their jobs. You will be provided with descriptions of these jobs. Read over each of these job descriptions carefully so you are aware of each person's duties and responsibilities.
3. You make sure the trial runs smoothly and that it does not bog down or that it does not turn into a shouting match. As in a real trial, things can become boring or totally out of hand unless you take charge, stay in charge, and make sure the attorneys do their jobs. You will also get a copy of the **LAWYER'S DIRECTIONS**. Read this over carefully so you know and understand lawyer's roles.
4. You are basically in charge of discipline in your courtroom. It is your responsibility to maintain order. The bailiff is your assistant in this regard, and as a final authority, you may turn to your teacher.

Specific directions

1. Open the trial by stating the names of those involved in the case. Have the defendant stand. Then read the charges made against him/her. (The prosecution is responsible for providing you with this.)
2. Then check to make sure all parties are present who must be present – lawyers, court officers, jury etc. If someone vital is missing, confer with the teacher to determine if the trial should be recessed until the missing person returns.
3. Ask the prosecution to make its opening statement.
4. Once the prosecution has concluded its opening statement, ask the defense to make its opening statement.
5. Once the opening statements have concluded, the prosecution begins presenting its case. The prosecution calls one witness at a time. They examine the witness. Once the prosecution is done examining a witness, allow the defense to cross-examine the witness.
6. After the prosecution has called all of its witnesses, it is the defense's turn to present its case.
7. The defense calls each of its witnesses and examines them individually. Once the defense had finished questioning a witness, allow the prosecution to cross-examine the witness.
8. Upon completion of the defense's case, it is the prosecution's turn to present its summary statement.
9. After the prosecution's summary, the defense will present its final closing statement to the jury.
10. The final arguments presented to the jury are the prosecution's closing statement.

11. Following the closing statements, you must instruct the jurors as to the possible verdicts they may decide. This important responsibility is explained in detail below.

Jury Instructions

1. Once the testimony is over and the final arguments made, the jury must determine the guilt or innocence of the accused. Before the jury begins its deliberation, it is your duty to instruct the jury. Begin by addressing the jury:
“Ladies and Gentlemen of the jury; you have heard all of the evidence. Now it is your duty to decide what constitutes justice in this case. Here are the possible verdicts you may choose.”
2. Outline the possible verdicts which the jury may choose. Explain the law to them. (These verdicts must be based on the laws and the charges given by the prosecution.)

Handling Attorneys

Once again you must rely on common sense in handling disputes between attorneys. However, you need to know a few rules of procedure to effectively simulate trial technique.

1. When an attorney calls out an objection to you regarding some line of questioning by the opposing side, you must pass judgment immediately on whether or not the objection is suitable. You have three legal choices:

Choice 1: “Objection sustained” This literally means you uphold or support this objection. By sustaining an attorney’s objection, you are recognizing one of the following:

- The other attorney’s question of the witness is immaterial or not important to the case question in point.
- The other attorney is or has been leading the witness into saying what the attorney wants him/her to say.
- The other attorney is harassing the witness by making insults or uncalled for remarks to or about the witness.
- The witness’ answer lacks authority or fact and therefore is not admissible (hearsay)
- The other attorney has already asked, or the witness has already answered the present question. One or the other is stalling and/or wasting the court’s time.

Choice 2: “Objection overruled” This literally means you are setting aside or deciding against the objection raised by an attorney. By overruling an objection, you are simply saying that the line of questioning or the witness’ testimony is not out of order with regards to the “objection sustaining; areas mentioned above.

Example: “Objection overruled – attorney is not leading the witness.” Example: “Objection overruled. I believe counsel is looking into something. The question is not immaterial.” Sometimes student attorneys stray from the key points of testimony or facts. Presuming you want the what, where, why and who of the crime, you must try to keep them on the right track. However, sometimes you may even decide to overrule a valid objection if the question or testimony is helping clarify the case.

Choice 3: Conflict over an objection Whenever an attorney raises an objection and the other attorney flights back by defending his/her question or witness' answer, tell the attorneys to "approach the bench" (you). See that they then calmly discuss the situation. Having done this, rule on the objection.

Miscellaneous

1. Whenever an attorney wants you to answer a question regarding courtroom procedures or case presentation technique but asks to speak privately about it, have him/her approach the bench.
2. If you get confused or if you seek an answer not yet given, ask the witness the question(s) after the prosecution or defense has finished with the witness.
3. Members of the jury may not ask any questions of the witnesses during the trial.
4. The jury's spokesperson is the foreperson. All of your communication with the jury should be with the foreperson – except your instructions to the jury, which are general and are given to everyone on the jury.