

TAB 2
ROLE INSTRUCTIONS

BAILIFF INSTRUCTIONS/NOTES

1. Announce the Judge's entrance. When everyone is in the classroom/ courtroom, you will say: "All rise," meaning that everyone should stand up and be quiet.
(IN SCRIPT)
2. Say, "This Court is now in session."
3. The Judge comes in and sits down and tells everyone to be seated.
4. Stand/or sit next to the Clerk during the trial. In a real trial when everyone is ready, the Judge will ask you to bring in the jury. *For mock trials, the jury will already be seated.*
5. WHENEVER a witness is called, you escort them so they are standing in front of the clerk who will swear them in. (just stand next to them and wait).
6. You escort each of the witnesses to the witness stand where they will sit and testify (go back by the clerk).
7. AFTER THE TRIAL, the Judge will tell jurors they have 5 minutes to deliberate. You lead them to their place of deliberation, stand nearby, and after the Jury Foreperson rings the bell/buzzer, you, as bailiff, will lead jurors back into the courtroom to their same seats in the "jury box."
9. Most Judges just ask the jury foreperson to read the verdict – *sometimes* before the verdict is read the Judge wants to see the verdict form. In that case you would then get it from the Jury Foreperson and hand it to the Judge to see. After he looks at it, he will give it back to you and you will return it to the Jury Foreperson.
10. IF GUILTY, you CAN take the defendant into custody, (pretend to take him/her away to jail).

CLERK INSTRUCTIONS/NOTES

1. Whenever a witness is called, the bailiff will escort them up to you. They will face you. You should raise your right hand and ask them to raise theirs. (You may also use a book/bible for swearing in)
2. Read your script by saying: “Do you swear to tell the truth, the whole truth, and nothing but the truth?”
3. If there is evidence to be presented in trial, the lawyers will bring it to you and you will mark it as: Exhibit A – B, etc.

JUROR INSTRUCTIONS/NOTES

(Select 12 students if you have that many)

Your job, as a juror, is the most important job in the trial!

*EVERYTHING DONE DURING THE TRIAL IS FOR YOU – THE JUROR,
... TO HELP **YOU** DECIDE THE CASE!!!!!!*

1. When the trial ends and the Judge reads to you the instructions on the law, it will be time for you to DELIBERATE and come to a VERDICT, hopefully a UNANIMOUS verdict, (meaning everyone). First, SELECT A JURY FOREPERSON (person who will read the verdict to the court), if not already done. NOTE – For time purposes, this may already be done.
2. Your job is pretty quiet until the end of the trial. You should listen very carefully during the trial so you can think clearly and decide if you think the defendant(s) is guilty or not guilty.
3. REMEMBER, in a criminal case, the Defendant(s) is INNOCENT unless the prosecution proves he/she is guilty BEYOND A REASONABLE DOUBT. If your case is a CIVIL CASE, it's about money so you will decide, as a group, if you think the plaintiff should receive money and how much.
4. You will be given about 5 minutes at the end of trial to talk to each other and come to a decision about guilt or innocence.
5. If you cannot decide, keep talking with the other jurors because everyone has to TRY to come to the same decision by raising your hand- either GUILTY or NOT GUILTY.

Note – If a unanimous decision cannot be reached – it is called a hung jury, a mistrial is declared and the trial could start over from the beginning with new jurors!!

6. WHEN THE JURY FOREPERSON GIVES THE VERDICT TO THE JUDGE, HE/SHE WILL SAY TO ALL THE JURORS, “So say you all?” ALL JURORS RESPOND, “YES, YOUR HONOR.”

NOTE: As a juror, you are entitled to YOUR OWN OPINION based on what you heard in trial and any evidence that may have been presented. YOU DO NOT HAVE TO “SURRENDER YOUR OPINION” (change your mind) simply because of peer pressure, time to go home, etc. YOU SHOULD, HOWEVER, keep an open mind and listen to the reasoning on the other side – you might then change your mind.

JURY FOREPERSON INSTRUCTIONS/NOTES

MAKE SURE TO TAKE THE VERDICT FORM, A PENCIL AND A BUZZER/BELL with you when you deliberate.

1. You need to make sure all jurors are wearing their juror badges (on left side over heart).
2. You should read each charge one by one to the other jurors **once** you get to the designated area for deliberations.
3. By a show of hands you should ask them if they think the defendant is guilty, not guilty of each charge.
4. You should promote discussion among the jurors if everyone does not agree (you need a unanimous verdict – you must strive to get everyone to agree on the same verdict). Therefore, after the jurors say why they are voting the way they are, you should take another vote.
5. Check off your verdict on the verdict form but REMEMBER – if everyone does NOT agree on a particular charge, there is NO verdict. (see **NOTE** below).
6. SIGN AND DATE the verdict form and RING A BELL/BUZZER. The bailiff will lead the jurors back in the courtroom.

NOTE - When you are back in your original seats in the classroom/courtroom, the Judge will say: “will the foreperson of the jury please stand?” YOU STAND UP. He will then ask: “Have you reached a verdict?”

If so, you will answer, “Yes, your Honor.” If not, you will answer, “No, your Honor.”

IMPORTANT: IF YOU REACHED A UNANIMOUS VERDICT FOR SOME CHARGES BUT NOT FOR ALL YOU CAN SAY: “We have reached a partial verdict, Your Honor.”

The Judge will then say, “Will the defendant(s) please stand?” The defense lawyer(s), along with the defendant(s) will stand and then the Judge says to you, “You may read the verdict.”

YOU WILL READ FROM THE VERDICT FORM! (In some cases, the Judge will want to see the form before it is read so you will hand it to the bailiff who will take care of giving it to the Judge.)

LAWYER/ "JUDGE" INSTRUCTIONS/NOTES

(These steps are SCRIPTED)

Everyone in the classroom (courtroom) is in their place, except the Judge who can be outside the classroom door.

Bailiff announces the Judge is coming in. They ask everyone to stand up to show respect for the Judge, the court and the law by saying: *"All rise. This court is now in session."*

Judge comes in, sits down and tells everyone else to be seated.

Judge tells everyone what the trial is about. He'll say something like "Ladies and gentlemen of the jury, this is a criminal/civil?? case....."

Judge will then ask lawyers if they are ready to proceed.

Judge will ask each lawyer to make their opening statements to the Jury. (Lawyer stands in front of Jurors) Prosecutor/Plaintiff lawyer makes statements first, then defense lawyers.

Judge will then ask both prosecution/plaintiff and defense lawyers if they have witnesses.

Each witness goes with the bailiff to the clerk. They stand in front of the clerk until they are sworn in, then proceed to witness stand.

Lawyer who called the witness will ask the witness questions. (Lawyer stands halfway between their table and Judge, looking at witness).

Lawyers on the opposing side also have a chance to question (cross examine) THAT witness AND call their own witnesses. (Lawyer stands in the same place as previous lawyer)

Judge will ask if there are any other witnesses. If not, he will ask lawyers for closing arguments. (Lawyer stands in front of Jurors for closing arguments).

Judge will give the Jury appropriate rules of law in weighing the evidence (instructing them) AND will also reinforce that the defendant is INNOCENT UNTIL PROVEN GUILTY.

Judge tells the jury they have 5 minutes to reach a verdict, and then everyone is dismissed until bailiff hears the buzzer and brings the jurors back to the classroom/courtroom.

Judge will say, *"Will the foreperson of the jury please stand? Have you reached a verdict?"* The foreperson will answer, *"Yes, your honor."* Judge then says, *"Will the defendant please stand?"* Defendants/defense lawyers stand. Judge says, *"You may read the verdict."*

Jury foreperson reads the verdict.

Judge makes sure the verdict is unanimous by saying, *"So say you all?"* to which the entire Jury should respond, *"Yes, Your Honor."*

Judge talks about sentencing. In a criminal case bailiff can pretend to take guilty party away. In a civil case the amount to be awarded to the plaintiff is decided if the jury believes their side of the story.

Judge ends trial by saying, *"Court is adjourned."*

(Don't forget to BANG the gavel and then conduct a general Q & A with the students!)