

BASIC TRIAL PROCEDURES

- A. Pre-trial preparation
 - information gathering (discovery)
 - pretrial hearing pretrial order jury selection
- B. Courtroom and participants
 - judge attorneys witnesses
 - jurors bailiff court reporter
- C. Beginning the trial

Bailiff announces: "All rise. The Court of _____ is now in session, the Honorable Judge _____ presiding." Everyone remains standing until the judge enters and is seated. Next, the judge asks the bailiff to call the day's calendar (the "docket"), at which point the bailiff says, "Your Honor, today's case is _____ v. _____." The judge then asks the attorneys for each side of the case if they are ready to begin the trial.

D. The trial

Plaintiff/Prosecution rises and introduces him/herself: "May it please the court and ladies and gentlemen of the jury, my name is _____, counsel for _____ in this action." Attorney for Plaintiff/Prosecution always delivers his/her opening statement first. Defendant/Defense attorney generally gives his/her opening statement immediately after.

The actual trial is developed by testimony of witnesses.

Plaintiff/Prosecution witnesses are called first. Order of witness presentations is determined by strategy, i.e., chronologically into overall story. Direct examination of Plaintiff/Prosecution witnesses includes Cross-examination by Defense and Redirect examination by Plaintiff and Recross examination by Defense which occurs in real trials, but in mock trials it is strongly suggested that teachers allow only a very limited redirect, if at all. Defendant/Defense cross-in-chief proceeds when Plaintiff/Prosecution rests its case. Direct examination of witnesses called by Defense and Cross-examination by Plaintiff, etc. After each side has called all of its witnesses, cross-examines its opponent's witnesses, they enter all relevant documents or objects into evidence.

The Judge then permits Plaintiff/Prosecution closing argument, then Defense closing arguments. Only the Plaintiff may rebut the Defendant's closing argument. After closing arguments, the judge gives the jury their instructions, a brief explanation of the applicable law and then the jury leaves courtroom to deliberate in private. Illinois requires unanimous jury in both civil and criminal cases or "hung jury" requires re-trial before new jury.

When the Jury returns with decision on paper given to judge who announces the decision on open court. If a criminal case, guilty defendant scheduled to return at later date for sentencing.