

Handout 9
Trial Structure

(As the judge enters)

CLERK (hits gavel three times): All rise. (Everyone stands) The U.S. District Court for the District of Oregon, Portland Division is now in session. The Honorable Judge [JUDGE LAST NAME HERE] presiding.

JUDGE: Please be seated. Calling the case of Prison Legal News v. Redwood County Jail. Are both parties ready?

PLAINTIFF and DEFENSE ATTORNEYS: Yes your honor.

JUDGE: We will begin with the Plaintiffs' opening statement.

PLAINTIFF ATTORNEY: May it please the court, I am [name], here representing the plaintiff. [Opening Statement]

JUDGE: We will now hear the Defendant's Opening Statement.

PLAINTIFF ATTORNEY: May it please the court, I am [name], here representing the defendant. [Opening Statement]

JUDGE: We will now hear the plaintiff's case. The plaintiff may call its first witness.

[The following procedure should be used for each witness for the plaintiff]

PLAINTIFF'S ATTORNEY: The plaintiff calls [name]. (Witness walks to stand).

CLERK: Please stand and raise your right hand. Do you promise the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth?

WITNESS: I do.

CLERK: You may be seated.

(Plaintiff's attorney questions the witness)

PLAINTIFF'S ATTORNEY: I have no more questions for this witness, your honor.

JUDGE: Does the defendant have any questions?

DEFENDANT'S ATTORNEY: Yes, we do your honor.

(Defendant's attorney questions the witness)

DEFENDANT'S ATTORNEY: I have no more questions for this witness, your honor.

JUDGE: Does the plaintiff have any further questions for this witness?

PLAINTIFF'S ATTORNEY: [Yes/No], your honor.

(If the plaintiff's attorneys have more questions for the witness, their redirect is limited to questions arising from the plaintiff's questioning of the witness. The plaintiff's counsel will inform the court when it is finished questioning the witness.)

JUDGE: The witness is excused. Does the plaintiff have any additional witnesses?

PLAINTIFF'S ATTORNEY: Yes, your honor (follow script above)

[or]

No your honor. The plaintiff rests.

JUDGE: The defendant may call its first witness.

[The following procedure should be used for each witness for the defendant]

PLAINTIFF ATTORNEY: The defendant calls [name]. (Witness walks to stand).

CLERK: Please stand and raise your right hand. Do you promise the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth?

WITNESS: I do.

CLERK: You may be seated.

(Defendant's attorney questions the witness)

DEFENDANT'S ATTORNEY: I have no more questions for this witness, your honor.

JUDGE: Does the plaintiff have any questions?

Unit 2: Lesson 4
Prisoners' Rights

PLAINTIFF'S ATTORNEY: Yes, we do your honor.

(Plaintiff's attorney questions the witness)

PLAINTIFF'S ATTORNEY: I have no more questions for this witness, your honor.

JUDGE: Does the defendant have any further questions for this witness?

DEFENDANT'S ATTORNEY: [Yes/No], your honor.

(If the defendant has more questions for the witness, their redirect is limited to questions arising from the plaintiff's questioning of the witness. The defendant's counsel will inform the court when it is finished questioning the witness.)

JUDGE: The witness is excused. Does the defendant have any additional witnesses?

DEFENDANT'S ATTORNEY: Yes your honor (follow script above)

[or]

No your honor. The defense rests.

JUDGE: We will now hear closing argument.

PLAINTIFF'S ATTORNEY: [Closing Argument]

DEFENDANT'S ATTORNEY: [Closing Argument]

JUDGE: Thank you. I will take these arguments into consideration. Court is adjourned.