

HMDC Elementary Model Congress Class (Fall 2024)

Activity: Judge & Jury (Simulation)

Complete Judge & Jury Guidelines with Judge's Script

1. Opening the Court

The opening of court marks the formal commencement of legal proceedings. It sets a tone of solemnity and respect for the judicial process. This moment signifies that all parties are present and prepared to begin the trial.

Judge Advice: Project confidence and authority as you enter the courtroom. Wait for the bailiff's announcement before speaking. Survey the courtroom briefly, making eye contact with attorneys, the defendant, and jury members to establish your presence.

Jury Advice: Stand respectfully when the judge enters. Pay attention to the judge's demeanor and opening remarks, as they set the tone for the proceedings. Remember that your role as an impartial observer begins from this moment.

Judge's Script: [Bailiff]: "All rise. The Court is now in session, the Honorable Judge [Name] presiding."

[Judge]: "Please be seated. This court is now in session. We are here for the case of [State/Prosecution] vs. [Defendant Name]. Are both sides ready to proceed?"

[Prosecution]: "Ready, Your Honor."

[Defense]: "Ready, Your Honor."

[Judge]: "Very well. We will now proceed with swearing in the jury."

2. Swearing in the Jury

The jury oath is a solemn promise to fulfill the duties of a juror faithfully and impartially. It emphasizes the gravity of the jury's role in the justice system. This process underscores the jury's responsibility to both the court and the parties involved in the case.

Judge Advice: Administer the oath with a serious tone, making eye contact with each juror. If a juror seems hesitant or confused, pause and ask if they have any questions. Ensure that each juror understands the significance of their commitment.

Jury Advice: Understand the weight of the oath you're taking. Your promise to be fair and impartial is crucial to the integrity of the trial. If you have any doubts about your ability to be impartial, inform the judge immediately.

Judge's Script: [Judge]: "Members of the jury, please stand and raise your right hand. Do you swear to listen carefully to all evidence presented and to reach a fair and impartial verdict based solely on the evidence and the law as I explain it to you? If so, please say 'I do.'"

[Jurors]: "I do."

[Judge]: "Thank you. You may be seated. We will now proceed with opening statements."

3. Opening Statements

Opening statements provide an overview of each side's case. The prosecution presents first, followed by the defense. These statements outline what each side intends to prove during the trial but are not themselves evidence.

Judge Advice: Listen carefully to ensure neither side argues their case or presents evidence prematurely. Be prepared to intervene if an attorney exceeds their time limit or strays from the purpose of an opening statement.

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3. Opening Statements (*Continued...*)

Jury Advice: Pay close attention to the opening statements, as they provide a roadmap for the trial. Remember that these statements are not evidence, but rather a preview of what each side intends to prove. Avoid forming opinions about the case at this early stage.

Judge's Script: [Judge]: "The prosecution may now make its opening statement."

[After prosecution finishes]

[Judge]: "Thank you. The defense may now make its opening statement."

[After defense finishes]

[Judge]: "Thank you. We will now proceed with the presentation of evidence and witness testimony."

4. Presentation of Evidence and Witness Testimony

This phase forms the core of the trial, where evidence is presented and witnesses testify. Each side calls witnesses for direct examination, followed by cross-examination from the opposing side. The judge ensures proper procedure is followed, while the jury carefully observes and evaluates the evidence presented.

Judge Advice: Stay alert to potential objections and be prepared to rule quickly. Ensure witnesses are properly sworn in before testifying. Monitor the conduct of attorneys to prevent badgering of witnesses or inappropriate questioning.

Jury Advice: Listen attentively to all testimony and observe the demeanor of witnesses. Take notes if permitted, but focus on understanding the evidence rather than transcribing every word. Remember that you're assessing both the content of the testimony and the credibility of the witnesses.

Judge's Script: [For each witness]

[Judge]: "Please raise your right hand. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

[Witness]: "I do."

[Judge]: "You may be seated. Counsel, you may proceed."

[After direct examination]

[Judge]: "Does the [other side] wish to cross-examine this witness?"

[After cross-examination]

[Judge]: "You may step down. Counsel, call your next witness."

5. Objections

Objections are legal challenges to the admissibility of evidence or the propriety of questions. The judge must rule on objections to ensure a fair trial and that only proper evidence is considered.

Judge Advice: Listen carefully to the objection and the reason given. Rule decisively, but don't hesitate to ask for clarification if needed. If you're unsure, you can briefly consult with the teacher. Remember, your rulings set the tone for the trial's fairness.

Jury Advice: When an objection is sustained, disregard the question asked and any answer given. Don't speculate about information that was objected to successfully. If the judge instructs you to disregard something, make a conscious effort to put it out of your mind.

Judge's Script: [When an objection is raised]

[Judge]: "Objection sustained. The [jury/witness] will disregard that [question/statement]." OR [Judge]: "Objection overruled. The witness may answer the question."

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6. Closing Arguments

Closing arguments are each side's final opportunity to persuade the jury. The prosecution speaks first, followed by the defense, with the prosecution often given a brief rebuttal. These arguments sum up the evidence and explain why it supports a verdict in their favor.

Judge Advice: Ensure each side adheres to their time limits. Be prepared to intervene if new evidence is introduced or if arguments become overly emotional or inflammatory. After both sides have finished, prepare to give jury instructions.

Jury Advice: Pay close attention to how each side interprets the evidence presented during the trial. Remember that while closing arguments can be persuasive, they are not evidence. Your verdict should be based on the actual evidence presented during the trial, not just the arguments made at the end.

Judge's Script: [Judge]: "We will now hear closing arguments. The prosecution may proceed."

[After prosecution finishes]

[Judge]: "Thank you. The defense may now present its closing argument."

[After defense finishes]

[Judge]: "Thank you. Does the prosecution wish to offer a rebuttal?"

[After rebuttal, if any]

[Judge]: "Thank you. I will now instruct the jury on the law."

7. Jury Instructions

Jury instructions provide the legal framework for the jury's deliberations. The judge explains the relevant laws and how they should be applied to the facts of the case. These instructions are crucial for ensuring a fair and legally sound verdict.

Judge Advice: Read the instructions slowly and clearly. These are typically prepared in advance, so read them verbatim. If jurors appear confused, pause and ask if they need clarification. The jury's understanding of these instructions is critical to a fair trial.

Jury Advice: Listen carefully to the judge's instructions. These guidelines are essential for your deliberations. If any part of the instructions is unclear, don't hesitate to ask the judge for clarification. Your verdict must be based on both the facts as you determine them and the law as the judge explains it to you.

Judge's Script: [Judge]: "Members of the jury, I will now instruct you on the law. You must apply the law as I give it to you to the facts as you find them. [Read prepared jury instructions]. Remember, the defendant is presumed innocent unless proven guilty beyond a reasonable doubt. You may now retire to deliberate. The bailiff will escort you to the jury room."

8. Jury Deliberations

Jury deliberations are the private discussions among jurors to reach a verdict. This process involves reviewing evidence, discussing testimonies, and applying the law as instructed by the judge. The goal is to reach a unanimous decision based solely on the facts presented during the trial.

Jury Advice:

- Elect a foreperson to lead discussions if one hasn't been appointed.
- Review the judge's instructions carefully before beginning discussions.
- Discuss the evidence thoroughly, giving everyone a chance to speak.
- Be respectful of differing opinions and avoid personal attacks.
- Focus on the evidence presented in court, not outside information or personal biases.

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8. Jury Deliberations (*Continued...*)

Jury Advice (*Continued...*):

- If you're unclear about any legal issues, ask the judge for clarification through a written note.
- Remember that your duty is to reach a fair and impartial verdict based on the evidence and law.
- Take breaks if discussions become heated or unproductive.
- Be prepared to explain your reasoning, but also be open to changing your mind if presented with compelling arguments.
- Understand that unanimity is required for a verdict; be patient and thorough in your deliberations.

Foreperson's Script: "Good afternoon, everyone. As the foreperson, I'll guide our discussion, but everyone's voice is equally important. Let's start by reviewing the charges and the judge's instructions. Then, we'll discuss the evidence for each charge. Everyone should have a chance to speak before we take any votes. Are there any questions before we begin?"

[After initial discussion] "Now that we've reviewed the charges and instructions, let's start with the first charge. Would anyone like to share their initial thoughts on this charge based on the evidence we heard?"

[During deliberations] "Let's take a vote on [specific charge]. All those who find the defendant guilty, raise your hand. Now, all those who find the defendant not guilty."

[If unanimous] "We have reached a unanimous verdict on this charge. Let's move on to the next one."

[If not unanimous] "We don't have a unanimous decision yet. Let's discuss this further and see if we can reach an agreement. Can those who voted for guilty explain their reasoning? Then we'll hear from those who voted not guilty."

[If deliberations become heated] "I think we could all benefit from a short break. Let's take 10 minutes to clear our heads and come back ready to continue our discussion calmly and respectfully."

[When all charges have been decided] "We've reached a verdict on all charges. I'll inform the bailiff that we're ready to return to the courtroom. Remember, we shouldn't discuss our deliberations with anyone outside this room."

9. Reading the Verdict

The verdict is the jury's decision in the case. It represents the culmination of the trial process and the jury's fulfillment of its duty. The announcement of the verdict is a solemn moment that concludes the trial.

Judge Advice: Maintain a neutral expression regardless of the verdict. Your role is to receive and announce the verdict impartially. Be prepared to address any outbursts or disruptions in the courtroom. After the verdict is read, thank the jury for their service and formally adjourn the court.

Jury Advice: Maintain a serious and respectful demeanor when returning to the courtroom. As the foreperson, be prepared to stand and deliver the verdict clearly and confidently when asked by the judge. Other jurors should remain attentive and composed, regardless of any reactions in the courtroom. Remember, your duty is now complete, and you've played a crucial role in the justice system. After the trial, do not discuss your deliberations or the reasons for your verdict with anyone, including the attorneys, defendant, or media.

Judge's Script: [Judge]: "Has the jury reached a verdict?"

[Foreperson]: "We have, Your Honor."

[Judge]: "Will the defendant please rise? Madam/Mister Foreperson, what say you?"

[Foreperson]: "On the charge of [state charge], we find the defendant [guilty/not guilty]." (Repeat for each charge if there are multiple charges)

[Judge]: "The court thanks the jury for their service. You are now excused. This court is adjourned."