

Courtroom Basics

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Courtroom Basics

Venue
Cast
Process and Procedure

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Venue

- Trial Court
- Appellate Court
- Supreme Court
- State Court
- Federal Court

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State Court Venue

- Trial Division
 - Trier of fact
 - Criminal
 - Municipal/District
 - Circuit
 - Civil
 - Small Claims
 - Circuit
 - Rules of Criminal or Civil procedure
 - Question of errors preserved by Motion or Objection

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State Court Venue

- Appellate Division
 - Review of trial Court procedures
 - Criminal
 - Civil
 - Rules of Criminal or Civil procedure
 - Question of errors preserved by Motion or Objection during trial
 - Can remand cases back to Trial Division

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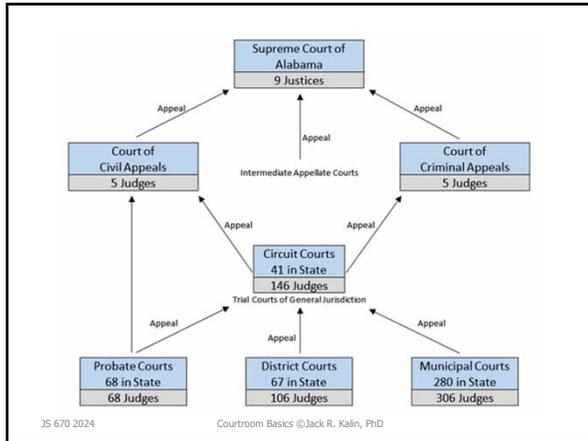
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State Court Venue

- Supreme Court
 - Review of Appellate Court procedures
 - Rules of Criminal or Civil procedure
 - Considers Constitutional issues

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- ### Federal Court Venue
- Trial Division
 - Criminal/Civil
 - District
 - Appellate Division
 - Courts of Appeal
 - Circuit
 - Criminal/Civil
 - Supreme Court
 - Constitutional issues
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- ### Trial Court Cast
- Judge
 - Jury
 - Prosecutor/Plaintiff
 - Defendant
 - Witness
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Trial Court Cast

- Judge
 - Ensure a fair trial
 - Rules of Criminal/Civil Procedure
 - Does NOT routinely render verdict
 - Directed verdict
 - Trial without jury
 - Imposes sentence based upon verdict
 - Advocate for the law
 - Does not want to be overturned due to errors

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Trial Court Cast

- Jury
 - Advocate for their own conscience
 - Assign ultimate blame
 - Verdict
 - Sentence advisory
- Trial without jury
 - Judge
 - Ensures a fair trial
 - Advocates for the law
 - Does not want to be overturned due to errors

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Trial Court Cast

- Prosecutor/Plaintiff
 - Advocate for the victim
 - State – criminal cases
 - Plaintiff – civil cases
 - Present incriminating evidence
 - Assign blame

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Trial Court Cast

- Defendant (Counsel)
 - Advocate for the defendant
 - Refute incriminating evidence
 - Present exculpatory/mitigating evidence
 - Re-assign blame

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Trial Court Cast

- Witness
 - Advocate for their own conscience
 - Evidence
 - Avoid blame
 - Must have direct knowledge of the issues

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Trial Courtroom Cast

- Witness Types
 - Lay
 - Fact
 - Expert

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Trial Court Cast

- Lay witness
 - What is seen, heard, experienced
 - Just the facts, ma'am

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Trial Court Cast

- Fact witness
 - Has knowledge beyond that of the lay person enabling him/her to give testimony regarding an issue that requires expertise to understand.
 - Facts acquired beyond individual senses
 - Post-incident experience

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Trial Court Cast

- Expert witness
 - Has knowledge beyond that of the lay person enabling him/her to give testimony regarding an issue that requires expertise to understand.
 - Facts acquired beyond individual senses
 - Post-incident experience
 - **Opinion**

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Trial Court Process

- Counsel advocates his/her position
 - Presents evidence through witnesses
 - Prosecution/plaintiff/defendant
- Judge ensures proper legal rules are applied
 - Judges the process, witnesses and evidence
 - Does not judge the veracity of the advocates' arguments or position
- Jury judges the veracity of the advocates' arguments and position

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Trial Court Process

- Evidence presentations are preserved in the trial transcript
 - Devoid of context, visual cues, voice inflection
- Transcripts contain only words and may not necessarily reflect actual events or communication intent

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Appeals Process

- Dissatisfied parties may appeal the Trial Court verdict
 - Defendant
 - Prosecution/Plaintiff
- Appeals Court
 - Evaluates trial process
 - May affirm or overturn/remand Trial Court verdict

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Appellate Court Cast

- Appeals Court Judge(s)
 - Advocate for the law
 - Determine trial errors
 - Determine admissibility of new evidence
 - Excluded at trial
- Appellant counsel
 - Party who has applied for an appeal
- Opponent counsel
 - Party who opposes the appeal

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Appellate Court Process

- Appellant counsel
 - Advocate for the appellant
 - Proffer errors in the trial
 - Advocate for new evidence
- Opponent counsel
 - Advocate for the defendant
 - Refute errors in the trial
 - Refute new evidence

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Appellate Court Process

- Counsel advocates their position
 - No witnesses
 - Presents evidence through trial **transcripts**
 - No further explanation by the witness
 - **Your words at trial live far beyond their utterance**
 - **You had better be clear in what you say at trial**
 - **No re-takes**
 - **No excuses**
 - **May be used in future proceedings to impugn your future testimony**

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Appellate Court Process

- Judges ensure proper legal rules are applied
 - Review the process, witnesses' testimony and evidence, consideration of new evidence
 - Do not judge the merits of the advocates' arguments or position
 - May accept verdict, overturn verdict, remand
- Establishes precedent for future application of the law

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Appellate Court Process

- Supreme Court
 - Dissatisfied parties may appeal to the Supreme Court
 - Determines whether constitutional issues are at stake
 - May refuse to hear
 - Certiorari
 - Court decision is the law of the land
 - Establishes precedent for future application of the law

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Case Development

- Charges
- Discovery and disclosure
- Pre-trial hearings
- Trial in chief

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Criminal Charges

- Prosecution presses criminal charges
 - Decision by the District Attorney based upon the available evidence
 - Grand Jury empaneled to hear available evidence
 - Evidence presented by District Attorney
 - No cross-examination
 - “No bill”, no indictment(s)
 - “True bill”, indictment(s) issues

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Discovery and Disclosure

- Discovery
 - Disclosure of evidence to be presented at trial
 - Disclosure of witnesses to appear at trial and substance of the testimony
 - Purpose is to eliminate surprises at trial
 - Minimizes miscarriages of justice and materially fosters the settlement of cases
- Disclosure
 - Pre-trial motions and hearings

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Discovery and Disclosure

- Criminal
 - Prosecution must disclose evidence and witnesses
 - Exceptions
 - Defendant does not have to disclose evidence and witnesses
- Civil
 - Both sides must fully disclose

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Trial Court Procedure

- Direct examination
 - Questioning by the attorney calling the witness
 - In criminal trials, District Attorney, defense
 - In civil trial, plaintiff or defendant
 - First party to ask questions

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Trial Court Procedure

- Cross examination
 - Questioning by the opposing attorney
 - In criminal cases, defense counsel, DA
 - In civil trial, plaintiff or defendant
 - Inquiry limited
 - Issues raised upon direct examination
 - Witness suitability, credibility

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Trial Court Procedure

- Re-direct examination
 - Nth questioning by the attorney calling the witness
 - Inquiry limited
 - Issues raised upon direct/cross-examinations
- Cross-re-examination
 - Nth questioning by opposing counsel
 - Inquiry limited
 - Issues raised upon re-/direct/cross examinations

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Trial Court Procedure

- Witnesses excused
- Closing arguments
- Judge's instructions to the jury of the rule of law
- Jury deliberation

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Trial Court Procedure

- **Evidence presentations are preserved in the trial transcript**
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Interview



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Testimony of Interview



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Thanks

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My Cousin Vinny

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Contact

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