

California College Republicans Judicial Board

HANDBOOK ON TRIAL PROCEDURES

Because many members of the California College Republicans do not have legal experience through mock trial programs, law-focused internships, or other methods, this short handbook shall serve as a primer on advocacy for members who wish to bring a complaint before the Judicial Board. This handbook shall briefly explain how to present an opening statement, conduct a direct- and cross-examination, and present a closing argument. Readers will do well to note that proceedings in front of the Judicial Board are modeled after, but do not exactly follow, proceedings in state or federal courts outside of the Judicial Board's jurisdiction. Therefore, while these guidelines will equip members to present their cases to the Board, they do not necessarily equip members to advocate in court.

For reference, the structure of each party's case-in-chief may be found in the Judicial Board's Trial Procedures and script.

Once the Judicial Board convenes to hear a case, the first item on the agenda will be the delivery of the plaintiff's opening statement. The plaintiff in the claim will deliver their case first, and as such will present their opening statement first. Contrary to portrayals in popular culture, opening statements in front of the Judicial Board are not to be theatrical in nature, nor are they to argue any point material to the case at hand. An opening statement is simply a presentation of the facts from each party's perspective.

The Board and or the plaintiff's representative will then question the plaintiff. The plaintiff will have no special duty other than to answer the questions presented to them truthfully and to the best of their knowledge.

The defendant will then have the opportunity to cross-examine the plaintiff. Cross-examinations are best structured using leading (yes or no) questions to draw information from the witness. For example:

Δ: On [insert day and time], [insert relevant event] occurred, correct?

Π: Yes/No.

Of course, cross-examination questions are not limited strictly to questioning a witness about a specific event at a particular time. Cross-examination questions may cover any fact relevant to the claim at hand. While there is no technical authority that prevents open-ended questions on a cross-examination, best practices dictate the use of leading questions.

The Board and or plaintiff's representative will then question any witnesses brought by the plaintiff. The witnesses will have no special duty other than to answer the questions presented to them truthfully and to the best of their knowledge.

The defendant will then have the opportunity to cross-examine the plaintiff's witnesses, in the same structure as outlined above.

During this time, the plaintiff or plaintiff's representative will also have the opportunity to present any relevant evidence, following the procedures from above.

The process will repeat for the defendant's case-in-chief, beginning with the defendant's opening statement following the same outline as the plaintiffs above.

After the cross-examination of the defendant's final witness, both parties will be given the opportunity to make closing arguments, beginning with the plaintiff. Closing arguments should not be theatrical, but rather present each party's final argument on the claim at hand.

All speaking opportunities will be limited to ten minutes, pursuant to Roberts' Rules of Order, Newly Revised 11th edition.