



# **TRIAL COURT**

## **BAILLIFF'S STUDY GUIDE**



## SECTION 1: TEAM RESPONSIBILITIES - WHO IS THE BAILIFF?

1. Each team is responsible for providing one or more members to serve as a bailiff at both the state and district conferences
2. The prosecution team is responsible for providing a bailiff for a round
  - a. Teams with more than 5 members should use a team member not participating in a round as a bailiff
  - b. Teams with only 5 members should provide a parent, coach or advisor to serve as a bailiff

## SECTION 2: BAILIFF'S RESPONSIBILITIES – PRE-TRIAL

1. Review the Bailiff's study guide and time-keeping worksheet
2. Review the time limits for each section of the trial
3. Review the sample Judge and Bailiff script
4. Attend Bailiff training prior to serving as a bailiff.
  - a. At the State Conference, any student, parent, coach or advisor that is expected to serve as a bailiff must attend a brief training on the Thursday night of the state conference. The time of the training will be noted in the conference schedule.
  - b. At the District Conference, your district director will provide you the information necessary for training.
5. Make sure you have all the necessary items to serve as Bailiff prior to the beginning of trial (these items will be provided to you)
  - a. Stopwatch
  - b. Time-keeping worksheet
  - c. Time cards
  - d. Something to write with
  - e. Judge/Bailiff sample script

## SECTION 3: BAILIFF'S RESPONSIBILITIES – DURING THE TRIAL

1. Bailiff's are not permitted to provide critiques or advice during or after the trial. The Bailiff's only job is to keep time. Bailiffs should not keep teams after the round is over.
2. Know the time limits for each section of the trial. The whole trial shall **NEVER** exceed 90 minutes, from the scheduled start time.
  - a. Opening statements are limited to two (2) minutes for each team.

- b. Closing statements are limited to three (3) minutes for each team. The party with the burden of proof may reserve a portion of their time for rebuttal after the defense closing. The maximum amount of time that is allowed for rebuttal is one (1) minute. The one minute for rebuttal is part of the three minutes allotted for closing, not in addition to.
  - c. Each team has 18 minutes to present its side (direct and re-direct examination). The team may divide the time among the witnesses however they choose, but each team must call all three (3) witnesses to testify for their side.
  - d. Each team has 15 minutes for cross and re-cross examination; The team may divide the time among the witnesses however they choose, but the team must cross-examine all of the witnesses.
  - e. Each team has 2.5 "free minutes" that they can use at any place in the trial. These "free minutes" are to make up for the time used for objections. It is up to each team to notify the bailiff at the beginning of each round how and where they want their "free minutes" allotted.
  - f. Judge's rulings on any issue, including the final verdict should not take more than 4 minutes total (this include the time that the judge exits the room to deliberate and the time it takes to make a ruling)
  - g. Judge and Evaluator's Critique should be not more than 5 minutes and preferably evaluators will submit written critiques
3. Be early to your courtroom
4. Assist the evaluator in obtaining the names and team numbers and filling out the evaluator forms. Make sure the judge's form to score the witnesses is on the judge's table and fill in the witnesses real names and their character names on the judge's witness evaluation form.
5. Serve as the bailiff for the entire round (prosecution and defense)
6. Ensure that accurate time is kept for both teams
7. Sit at the front of the room, to the left or right of the judge in a spot where you can easily be seen by both attorney teams, the evaluator and the judge
8. Effectively keep time during the trial and signal the attorneys as to how much time they have remaining. Hold up the time cards for a sufficient amount of time so that the attorneys and judges can see them
9. Use the timing worksheet to accurately keep track of time. Use your timekeeping worksheet to mark down how much time was used in each section and keep track of how much time each team has left



10. **START** timing only when each attorney starts to speak, ie:
  - a. When the attorney actually speaks the first word of his or her opening, closing, or examination question—examples include but are not limited to
    - i. "May it please the court..." or, "Your Honor" [for openings/closings]
    - ii. "Please state your name for the court..." [for examination question]—
  - b. **TIME DOES NOT START** when an attorney responds to a presiding judge's inquiry as to whether or not that team is ready to proceed or when an attorney asks for permission to reserve time for a rebuttal.
  - c. Remember: **DO NOT** count time from the time the witness is called until he or she takes the witness stand (including the administration of the oath). Time starts when the attorney asks the first question
11. **DO NOT STOP** timing during objections
12. Time **DOES NOT STOP** for the introduction of evidence
13. Reset the stop watch to zero after each section (ie: after each opening, after each direct 1 and each cross, and after each closing).
14. Call the courtroom to order and announce the "all rise" as the judge enters or leaves the courtroom
15. Notify the attorneys, evaluator and presiding judge that "TIME" has expired at the end of the trial by showing the "STOP" time card

#### **SECTION 4: BAILIFF'S RESPONSIBILITIES – AFTER THE TRIAL**

1. Add up the time used for each team and sign the timekeeping sheet.
2. Turn in the completed and signed timing sheet to the presiding judge or to the courtroom monitor collecting the trial forms.
3. Leave the time cards, stopwatch and blank timekeeping forms in the room for next trial round
4. Help straighten up the courtroom for the next round.



## SECTION 5: JUDGE AND BAILIFF'S SAMPLE SCRIPT

Wait until the attorney teams are seated at counsel table, the evaluator is in the courtroom and all the initial information is filled in on the evaluation forms. Then you will proceed as the judge walks in the room or when the judge signals the bailiff to begin:

**BAILIFF:** "All rise, the honorable 109<sup>th</sup> criminal district court is now in session"

**JUDGE:** "You may be seated. The Court calls for Trial Case Number 2016- 123456 , the case of The State of Texas vs. Jenny Smith. Is the prosecution ready."

**PROSECUTION ATTORNEYS:** (Rise) The Prosecution is ready

**JUDGE:** Is the Defense ready

**DEFENSE ATTORNEYS:** (Rise) The Defense is ready

**JUDGE:** Does the Defendant waive reading of the charges against her?"

**DEFENDANT:** (Rises) "Yes/no, your honor."

**JUDGE:** "The State will read the charges (STATE READS CHARGES if the Defendant does not waive)

**JUDGE:** "Would all witnesses who are planning to testify please rise, raise your right hand and repeat after me. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God."

**JUDGE:** "The Court will hear opening statements on behalf of the State."

**PROSECUTION:** Makes the opening statement.

**JUDGE:** "Does the Defense wish to make an opening statement at this time, or wait until the conclusion of the State's case?"

**DEFENSE:** Defense can make a statement now (or wait until the last witness for the Prosecution is excused).

**JUDGE:** "The Court will hear evidence on behalf of the Prosecution. You may call your first witness"



# TEXAS YOUTH AND GOVERNMENT

**PROSECUTION:** The State's case is presented, witnesses called and physical evidence is introduced. After calling all three witnesses, the State will rest.

**JUDGE:** (If Defense has not yet made an opening statement) "The Court will now hear an opening statement from the Defense."

(If Defense has presented opening statement) "The Court will hear evidence on behalf of the Defendant."

**DEFENSE:** Defense case is presented, witnesses called and physical evidence is introduced. After calling all three witnesses, the State will rest.

**JUDGE:** "The Court will hear closing arguments for the State."

**PROSECUTION:** State's closing arguments.

**JUDGE:** "The Court will hear closing arguments on behalf of the Defendant."

**DEFENSE:** Defense closing arguments.

**PROSECUTION:** (Rebuttal if requested and time permits)

**JUDGE:** "The Court will be in recess while I deliberate."

**BAILIFF:** (As Judge leaves courtroom) "All rise."

**BAILIFF:** (As Judge re-enters courtroom after deliberating) "All rise."

**JUDGE:** "Would the defendant please rise. After hearing all the witnesses and reviewing the evidence, I find the defendant not guilty/guilty of capital murder (or murder in the first degree)."

- a. If you find the Defendant guilty, you may also make some sort of statement
- b. You will conclude with "Sentencing will be done on a later date to be set by the court."

**JUDGE:** This court is now in recess and you are excused.

**BAILIFF:** (If judge is leaving courtroom) "All rise."