

## **Outline For Civil Bench Trial For Self Represented Litigants**

### **THIS OUTLINE IS NOT LEGAL ADVICE. IT IS SIMPLY A ROAD MAP FOR HOW THE COURT CONDUCTS CIVIL BENCH TRIALS.**

1. The judge identifies the case for the record and invites the parties to identify themselves.
2. The judge addresses any pretrial matters: motions, exclusion of witnesses, number of witnesses, length of trial, and scheduling issues.
3. Opening statement: Each party outlines what evidence will be presented. Plaintiff goes first, then defendant.
4. Plaintiff's case: Plaintiff has the burden to prove its case, usually by a preponderance of the evidence. Evidence may include witnesses, documents, or other physical objects. Each witness takes the stand and is sworn in. Plaintiff questions first (direct examination), then defendant questions (cross examination), then plaintiff questions (redirect). The examination of a witness is not an opportunity to argue or make statements. It is an opportunity to ask questions of the witness. Objections should be simple statements based on the rules of evidence.
5. Defense case: If defendant chooses to present any evidence, this is the time to do so. The judge follows the same procedure as in plaintiff's case.
6. Plaintiff's rebuttal: Plaintiff may present rebuttal testimony or other evidence.
7. Closing argument: Both parties argue why the facts and law support their position. Plaintiff goes first, then defendant, and then plaintiff offers rebuttal argument.
8. The judge renders his decision or takes the case under advisement.