

## HOW TO PREPARE YOUR CASE FOR TRIAL

### **TO: ATTORNEYS RE: TIME LIMITATIONS**

Under the Court's supervisory power the trial shall be limited to 30 minutes per side. If an attorney believes that more time is necessary for a thorough presentation of the evidence, he/she must request in writing that the Court allot additional time.

If an attorney fails to inform the Court in writing of the need for additional time, the Court may continue the trial at the time of the trial setting if the Court's docket cannot accommodate additional time that session.

### **TO: PARTIES REPRESENTING THEMSELVES**

**GENERALLY.** Arrive on time on the day of your trial. Prior to entering the Court room, sign up on the sign-up sheet on the counter in the staff area. When both parties appear at the time and date scheduled, the trial will be conducted by the judge in an informal but orderly manner.

Each party shall be given 15 minutes to present evidence. For full use of this time, each party should present the evidence in an order that the Judge can follow and understand because **THE LITIGANTS SHALL NOT BE GIVEN ADDITIONAL TIME IF THEY ARE UNPREPARED.**

### **WITNESSES AND EXHIBITS**

**IT IS YOUR RESPONSIBILITY TO BRING TO COURT WITH YOU ALL DOCUMENTS THAT SUPPORT YOUR CASE WHICH YOU WANT THE JUDGE TO SEE. ALSO IT IS YOUR RESPONSIBILITY TO ASK THE COURT STAFF TO ISSUE ON YOUR BEHALF ANY SUBPOENAS TO INDIVIDUALS WHO CAN TESTIFY ON YOUR BEHALF.**

If you use documents as exhibits in the trial, the Judge will require that you show them first to the opposing party prior to the Judge reviewing them. If the documents are dated , you must put them in time order for the Judge. Further it is

helpful to the Judge in understanding the importance of the documents, for you to summarize what it is they say that helps your case. For example, if for any reason, you have checks that you want to show the judge, put them in date order and make a list of them by date, by check number, by payee and by amount. Once the Judge looks at any documents they must remain in the Court's file. **THEREFORE, IF YOU WANT TO KEEP COPIES OF YOUR EXHIBITS YOU MUST MAKE A COPY FOR YOURSELF PRIOR TO COMING TO COURT.**

### **PLAINTIFF'S CASE**

Prior to any evidence being presented the judge will swear the witnesses to tell the truth. Then since the Plaintiff started the lawsuit, the plaintiff presents evidence first. Evidence can be by oral statements from witnesses or documents or pictures or any item which is relevant to the decision the Judge has to make. The Plaintiff may also ask the Defendant to testify.

After each of the plaintiff's witnesses testifies, the defendant may ask questions of each witness about the testimony given. This is called **CROSS-EXAMINATION**. Cross-examination is for questions directed to the witness's testimony. A Defendant will have an opportunity to respond to the Plaintiff's evidence later in the trial.

### **DEFENDANT'S CASE**

After the Plaintiff has finished presenting evidence through testimony or documents, the Defendant may present his evidence through testimony and evidence. The Defendant may testify, may call other witnesses and may call the plaintiff as a witness. After each of the Defendant's witnesses has testified, the Plaintiff may ask questions of each witness about the testimony given, i.e. **cross-examination**.

## **REBUTTAL**

After the Defendant has finished with the evidence, the Plaintiff may present additional evidence in response to the Defendant's evidence. However, the Plaintiff is not allowed to just repeat the testimony given previously, the evidence must be in response to the Defendant's evidence and new evidence.

## **GENERAL CONDUCT DURING THE TRIAL**

Although the trial is informal, all parties and witnesses must conduct themselves appropriately. It is important that no person interrupt the testimony of another witness. If you want to respond to the evidence and your response will help the Judge decide the case, you will have an opportunity to respond. **YOU MUST WAIT YOUR TURN TO TESTIFY.** This means that if you are afraid that you will forget your response, **YOU SHOULD BRING PENCIL AND PAPER WITH YOU TO MAKE NOTES SO THAT YOU WILL REMEMBER EVERYTHING YOU WANT TO SAY.**

**ALL WITNESSES, INCLUDING THE PLAINTIFF AND DEFENDANT, MUST TAKE THE OATH TO TESTIFY TRUTHFULLY. THEREFORE EACH WITNESS IS SUBJECT TO PENALTIES FOR PERJURY, I.E. LYING UNDER OATH. SUCH PENALTIES COULD BE AS SEVERE AS IMPRISONMENT.**

During the trial, the judge may stop at any time to ask questions of the witnesses or parties and may have other specific rules or time limitations.

Remember the judge can make the decision on your case only on what is heard in the Courtroom. Therefore, you should come with a written outline of what you want to present to the Judge so that you will not forget any evidence which you believe is important to winning your case.

At the conclusion of the trial, the Judge will likely take the matter under advisement to review the notes of the testimony and to examine any exhibit(s). You will be required to provide the Court with a self-addressed envelope so that the Court can mail its judgment to you.

**DISAGREE WITH THE DECISION?**

**If you are disagree with the decision of the Court, you may appeal the decision to the Marion Superior Court. You have 60 days from the date of the judgment to appeal; the fee is \$107. You must inform this Court in writing that you want to appeal the judgment and pay the \$5.00 fee in order to have the case transferred to the Marion Superior Court.**