**HANDOUT / PROCEDURE FOR CIVIL BENCH TRIAL**

1. The Judge will announce the case and may make general comments
2. Both parties may make an opening statement. This statement is not testimony. The opening statement must be an overview of what is expected to be shown by the testimony of the case. The statement is not testimony and can be waived without any effect on your case. **NOTHING IN THE OPENING STATEMNET WILL BE CONSIDERED IN THE COURT’S DECISION**. Both the Plaintiff/Petitioner and the Defendant/Respondent may testify as their own witness.
3. The Plaintiff/Petitioner will call a witness to the stand. The Judge will administer the oath.
   1. The Plaintiff/Petitioner will question the witness.
   2. The Defendant/Respondent may question the witness about the information just covered.
   3. The Plaintiff/Petitioner may question the witness again. (Can be omitted).
   4. The Defendant/Respondent may question the witness again **IF THE PLAINTIFF/PETITIONER DID** under (c) above.

This procedure will be followed for each witness. The Plaintiff/Petitioner will then rest his/her/their case. After all the Plaintiff/Petitioner’s witnesses have testified and all evidence is submitted, the Judge may dismiss the case at this time, if the Plaintiff/Petitioner has not met the standards of proof and upon motion of the Defendant/Respondent.

1. The Defendant/Respondent may call a witness to the stand and follow the same procedure, as listed above, with the exception that the Defendant/Respondent will question his/her/their witnesses first. The Plaintiff/Petitioner will question next, etc. The Defendant/Respondent will then rest his/her/their case after all the Defense witnesses have testified and all the Defense evidence is submitted.
2. The Plaintiff/Petitioner may call additional (rebuttal) witnesses.
3. The Judge may question any witnesses through the trial.
4. Physical evidence (exhibits) such as contracts, rental agreements, photos, and other papers need to be submitted during the presentation of your side of the case *(provide copies for the court and give to the Judge as your exhibits).* 
   1. These are the same documents you provided to the opposing party prior to the day of the trial (3 copies to the court at trial (1 for you to refer to,1 for the opposing party(ies) and 1 for the court).
      1. **Exception:** Is for Temporary Order of Protection hearings or Small Claim trials. These are provided at the time of hearing/trial to the court and opposing parties.
   2. All documents must have “foundation” before being admitted as evidence by the Court. Foundation means that there must be a witness, in court, who can testify as to the authenticity of the document, i.e., the keeper of the business records, author or co-author of a contact, person who actually took the photos.
   3. Statement and letters, even notarized, are not allowed as evidence. Personal sworn testimony is always best evidence.
5. The Plaintiff/Petitioner will make an initial closing statement, and the Defendant/Respondent will follow. This statement is not testimony, nor is it a rehash of the testimony. This statement is simply a conclusion of the testimony and evidence already presented. Since the closing statement is not testimony, it may be waived without any effect on your case. **NOTHING IN THE CLOSING STATEMNTS WILL BE CONSIDERED IN THE COURT’S DECISION**.
6. The Judge will make a decision based on the preponderance of the evidence presented at trial

**FAILURE TO APPEAR FOR TRIAL** may result in dismissal of your claim or a judgment filed against you.