

**RULES FOR BENCH TRIALS**

- 1. The bench trials will be held on Saturday, October 3<sup>rd</sup>, from 1:00 to 5:00 pm at the Law Center.**
- 2. The bench trials will be tried before a faculty member sitting as a judge in a district court for the State of Texas. The Texas Rules of Evidence will apply.**
- 3. You will be paired with a co-counsel. You are expected to work with and cooperate with your co-counsel in preparing for and trying the case.**
- 4. The co-counsel pairings and room assignments will be distributed at a later date.**
- 5. The trial will be of *Flinders v. Mismo*. You will be representing the same side that you represented in your Small Group sessions.**
- 6. Each counsel will serve as the witness for his or her co-counsel.**
- 7. Each side must call the following witnesses:**
  - Plaintiff:**
    - Arthur Jackson**
    - Sonia Peterson**
  - Defendant:**
    - Marie Williams**
    - John Anderson**
- 8. Each counsel will conduct a direct examination and cross examination. One member of each trial pairing will deliver the opening statement and the other member will deliver the closing argument. Only the counsel examining or cross examining a witness may object during the examination of that witness by opposing counsel.**
- 9. We have not yet covered in class the topics of how to prepare and deliver opening statements and closing arguments. Nonetheless, the experience of preparing and delivering one is beneficial even without having any class coverage of these topics.**

10. Trials will start promptly at 1:00 pm. Please arrive no later than 12:30 pm.

11. Time limits are as follows:

Opening Statements 7 minutes per side

Plaintiff's Case (including cross examination of Defendant's witnesses) 75 minutes

Defendant's Case (including cross examination of Plaintiff's witnesses) 75 minutes

Closing Arguments 10 minutes per side

**TIME LIMITS WILL BE STRICTLY ENFORCED**

12. All exhibits should be premarked and exchanged with opposing counsel. No pretrial conference will be held. Foundation and admissibility of exhibits may be stipulated, but each counsel is *required* to lay the foundation for at least one exhibit.

13. Since this is a bench trial, no motions in limine will be heard. However, any objection may be raised during the course of the trial. The judge, in his or her discretion, may deduct the time spent on arguing objections from the allotted time of the party raising the objection if the number of objections or the time spent arguing is excessive.

14. Courtroom attire is required.

15. No grades will be given or verdict rendered. This is an opportunity for you to practice your trial skills without concerns about grading.

16. A brief critique will follow the conclusion of the trial.