LAW CLASS
How Courts Work

Steps in a Trial

Officers of the Court

The judge presides in the courtroom. If a case is tried before a jury, the judge rules on points of law and gives instructions to the jury, informing the jury about the law that governs the case. (The jury determines the facts based on the evidence presented.) If there is no jury, the judge determines the facts and decides the verdict - e.g., finding of guilty or not guilty in a criminal case, or a finding for or against the plaintiff in a civil trial.

The court clerk or bailiff usually administers the oath to prospective jurors and to witnesses. The clerk is also in charge of physical exhibits introduced into evidence and is responsible for other administrative aspects of a trial.

The bailiff keeps order in the courtroom, calls the witnesses and is in charge of the jury, as directed by the judge. It is the bailiff's duty to be certain no one attempts to influence the jury.

The court reporter records verbatim (word for word) everything that is said as part of the formal proceedings in the courtroom, including

•the testimony of the witnesses,

•objections made by the lawyers, and

•the judge's rulings on those objections.

In many jurisdictions, audio or audio-visual tapes are used to record the trial in lieu of a court reporter, particularly at the misdemeanor level. In some jurisdictions, both methods are employed, with the reporter’s record used if there is an appeal to a higher court, though occasionally the tapes become part of the record of an appeal.

The lawyers for both sides are also officers of the court. Their job is to represent their clients zealously, within the formal rules of the Code of Professional Conduct. The belief is that justice can best be achieved if each side’s case is vigorously presented by competent legal counsel