

Chapter 17



The Trial

The Trial (430-432)

- ☞ Who are the various legal personnel who participate in a trial? What are their jobs?
- ☞ What is a pretrial motion?
 - What is a motion for a summary judgment? When would an attorney make such a motion?
 - Does a trial take place when a summary judgment motion is granted?
 - What is a brief?
- ☞ Read *Ruther v Southern Cross Club, Inc.* (431-432)
 - Answer case analysis questions
- ☞ Vocabulary

Jury Selection (432-435)

- ∞ What is a Jury? When selecting a jury where do all of the potential people come from?
 - How are Jury panels selected in New Jersey? (Look this up online)
- ∞ Review the Jury questionnaire on page 433, 434 and on page 435
 - Look up the OJ Simpson Trial (1994) – Read about the basic background of the trial. You may read and skim the Wikipedia article here:
[http://en.wikipedia.org/wiki/O. J. Simpson_murder_case](http://en.wikipedia.org/wiki/O._J._Simpson_murder_case)
 - Considering what you know about the OJ Simpson trial from reading make a list of questions noted by the book that 1. you find interesting, 2. You see a connection to the background of the case. 3. You don't understand why this was a question. – you do not have to do every question but try to have five for each category
- ∞ Define vior dire (v-waR dir)
 - What is the purpose of vior dire? Why is it a very important process in the Judicial system?
 - What are the two ways potential jurors can be rejected from being on a jury? Define each way and note any limitations for each excuse.
- ∞ Vocab.

Opening Statements / Plaintiff's or Prosecutions Case (437-439)

- ⌘ What is an opening statement? When does this occur?
What is contained (normally) within an opening statement?
- ⌘ Who presents their case first? The Plaintiff or defendant?
- ⌘ What is the burden of proof? Who has the burden of proof in a criminal and in a civil case? To what extent?
- ⌘ What are the various forms of examinations that happen in a trial? Explain what each one is and list them in the order they can potentially occur
 - When does a plaintiff “rest” their case?
- ⌘ Read People v Martinez answer case analysis questions
- ⌘ Vocabulary

Defendant's Case and Closing Arguments (439-442)

- ∞ Is the process of the defense's case presentation any different from the plaintiff's?
 - What is the purpose of the defense's case? How is this different from the plaintiffs? (think)
- ∞ What is a rebuttal? What are the limitations of a rebuttal?
- ∞ What is the purpose of the closing argument?
 - Can any new evidence be presented in a closing argument?
 - Who presents a closing first?
- ∞ Read Windsor v Alabama (441-442) Answer case analysis questions

Judge's Instructions / Jury Deliberation (442-447)

- ∞ How are the judge's jury instructions written? What is included in jury instructions?
- ∞ Read the transcript of the Jury instructions in United States v Koon (443-446) Identify each element of the jury instructions that you indicated should be present in the question above
- ∞ Discuss the process of jury deliberation
 - What is sequestration? When does this occur? Why would this occur (think)
- ∞ What happens when a jury can not reach a verdict?
- ∞ When a jury does reach a verdict how is it presented?

Skills Assessment

- ∞ Complete the Skills Assessment Question on Page 449
 - This will be a graded assignment.

12 Angry Men (1997)

Mock Trial (Appendix III)
