

Pretrial motions: The Judge as referee

- ▣ The Judge hears disagreements between parties
- ▣ Can a Judge throw a case out?

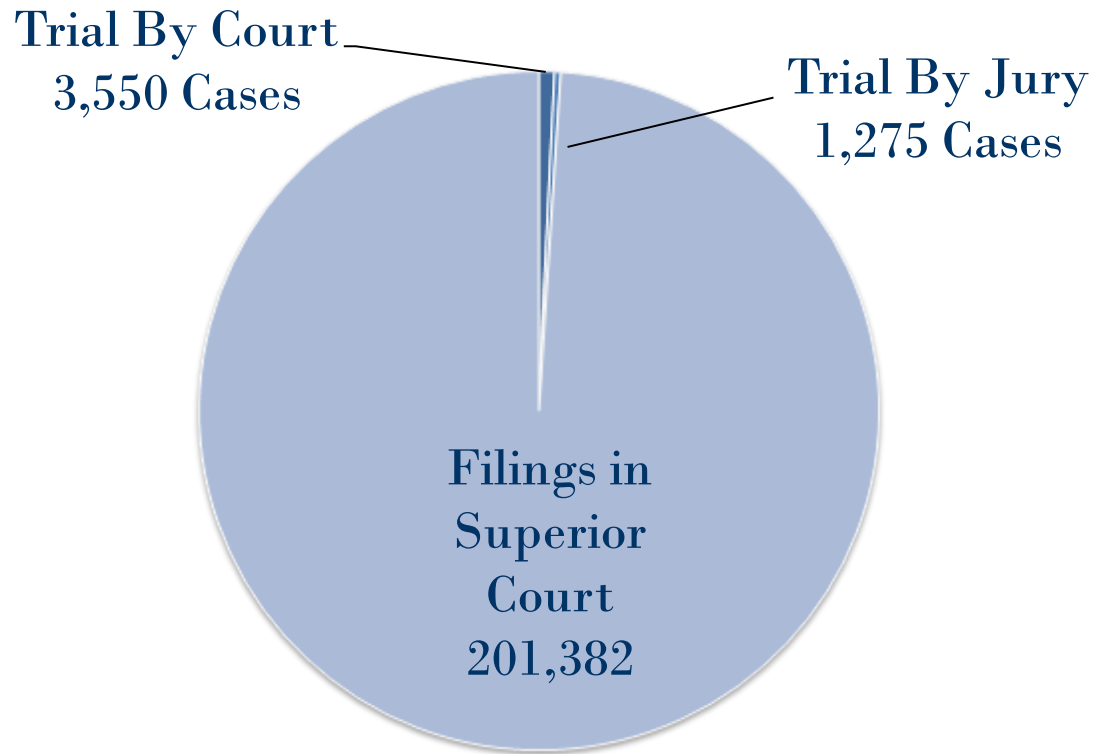


There are other ways to resolve the dispute

- ▣ ADR – Alternate Dispute Resolution
 - Mediation
 - Arbitration



Most Cases Do Not Go to Trial



Two types of trials

▣ Trial by Jury



▣ Trial by Court



The Judge has an important role at trial

- ▣ Always apply the law
 - U.S. and Arizona State Constitution
 - Statutes
 - Higher Court Decisions

- ▣ Always enforce the rules of procedure and evidence

- ▣ Sometimes decide the facts of disputes



The Jury

- ▣ Must be fair and impartial

- ▣ How the jury is selected

- ▣ Role of the jury:
 - Judge witness credibility
 - Decide what happened
 - Apply the law based on trial court's instructions



The Trial Steps

Opening Statements

Plaintiff's Case

Defendant's Case

Plaintiff's Rebuttal

Closing Arguments

Jury Instructions

Deliberation

Verdict

What is evidence?

- ▣ Testimony by laypeople
- ▣ Expert opinions
- ▣ Documents and things
- ▣ Agreed upon facts



Where's my money?

- ▣ **Myth:** The Court helps collect any award
- ▣ **Fact:** The parties usually have to work it out
 - And you usually have to pay your lawyer



Trial courts do not have the last word



Byron R. White U.S. Courthouse

10th Circuit