

MASTERING THE COURTROOM: Phrases You Need to Know

Introductions

1. Good morning, Your Honor. My name is _____ I am joined here today by my co-counsel _____ (hello) and _____ (hello). We will be representing the _____ in today's case. Would you like our witnesses to introduce themselves?
2. Then, witnesses stand up say your name and who you are playing

Pre-Trial - common options to ask the judge

1. Preferences on movement in the well
2. How to approach witnesses
3. Judge or Jury trial
4. Are witnesses sequestered?
 - a. Can they hear the testimony on the stand of other witnesses?
5. Bring up stipulations you want to address

In transitions - always address judge as "Your Honor"

1. When the judge says... "Any opening statements for the prosecution? Prosecution opener will say, "yes your honor"... go up there.... Then say "may I proceed"
2. Then the judge will say, "Now any for the defense?" - defense rise, "Yes your honor"... go up there.... Then say "may I proceed"

Calling up a Witness:

J: "Would the Prosecution/Defense want to call their first witness?"

A: "Yes Your Honor, may I call _____ to the stand"

J: "Proceed"

A: "Please state and spell your name for the record"

W: My name is _____, and that is spelled _____"

Objecting:

A1: Objecting Attorney **A2:** Questioning Attorney **J:** Judge

A1: Objection _____ (ex. Character Evidence, Relevance, etc.)

J: And your reasoning...

A1:

- **under** this rule, this is not allowed
- **here**, this witness is testifying about blah
- **therefore**, this should not be allowed for x,y,z reasons

MASTERING THE COURTROOM: Phrases You Need to Know

J : (turns to the attorney who asked the question) do you have a response?

A2 : It is not name of the objection because x,y, z

Admitting Evidence (ask in pre-trial)

1. Let the record reflect that I am showing opposing counsel what has been marked as [Exhibit #].
2. “Your Honor, permission to approach/I am approaching the witness with what has previously been marked as [Exhibit #]?” (determine in Pre-Trial, ask judge preferences on approaching the witness - may always need to do option 1 or could just have to do option 2)
3. Do you recognize the document in front of you?
4. Is this a true and accurate copy of [document title]?
5. ASK ALL QUESTIONS ABOUT DOCUMENT YOU HAVE
6. Your Honor, the [prosecution/defense] offers [Exhibit #] into evidence at this time. The authenticity of this exhibit has been stipulated.
7. Judge - Any objections?
8. Opposing counsel has opportunity to object
9. Judge - If no objections, “So it is admitted”

Impeachment

1. Is it your testimony today that _____?
2. You made a sworn affidavit before coming to court today, didn't you?
3. You knew you could have updated it any time before today's trial?
4. You knew you had to tell the truth in your affidavit, correct?
5. Your Honor, at this time, permission to approach the witness with their sworn affidavit for impeachment purposes.
 - a. Show affidavit to opposing counsel

MASTERING THE COURTROOM: Phrases You Need to Know

6. This is your sworn affidavit, isn't it?
7. Is it a fair and accurate copy?
8. That is your signature at the end?
9. I want you to read lines [LINES] silently to yourself while I read aloud. [READ]
10. Did I read that correctly?