

WHO AM I? COURTROOM ROLES

The Judge

The judge presides over the trial from a desk, called a bench, on an elevated platform. The judge has five basic tasks. The first is simply to preside over the proceedings and see that order is maintained. The second is to determine whether any of the evidence that the parties want to use is illegal or improper. Third, before the jury begins its deliberations about the facts in the case, the judge gives the jury instructions about the law that applies to the case and the standards it must use in deciding the case. Fourth, in bench trials, the judge must also determine the facts and decide the case. The fifth is to sentence convicted criminal defendants.

The Defence Lawyer

The lawyer who defends an accused person or group on trial. The lawyer's task is to bring out the facts that put his or her client's case in the most favorable light, but do so using approved legal procedures. If the accused pleads guilty or is found guilty after the trial, the defence lawyer will recommend an appropriate sentence to the judge.

The Defendant

The person/persons charged with a crime. Defendants may represent themselves at trial, but since laws are difficult to understand it is usually advisable for them to see a lawyer.

The Prosecution Lawyer

The Crown attorney (or prosecutor) is the lawyer representing the government or person filing suit against the defendant. The prosecutor must prepare the case by researching the law, assembling the evidence for trial, reviewing statements and taking statements from witnesses. Their main goal is not necessarily to obtain a conviction, but rather to bring forth credible evidence to the case.

The Witnesses

Witnesses give testimony about the facts in the case that are in dispute under oath. During their testimony, they sit on the witness stand, facing the courtroom. Because the witnesses are asked to testify by one party or the other, they are often referred to as plaintiff's witnesses, or defense witnesses. These can be experts in the field, people affected/knowledgeable about the issue,

The Court Clerk

The courtroom clerk assists the judge by keeping a record of trial exhibits, administering oaths, and announcing the beginning and end of court sessions.

The Court Reporter

The court reporter sits near the witness stand and usually types the official record of the trial (everything that is said or introduced into evidence) using an electronic monitoring system. Federal law requires that a word-for-word record be made of every trial. The court reporter also produces a written transcript of the proceedings if either party appeals the case or requests a transcript to review.

The Jury

A group of 12 people (men or women) who decide whether the accused is guilty or not guilty. They are chosen by both lawyers (prosecution and defence). They are chosen from a group of ordinary citizens in the community the court is located in. The jurors listen to the trial, examine the evidence, and follow the judge's instructions about the law. At the end of the trial they leave to the jury room to discuss the evidence and decide whether the accused is guilty or not guilty. They must come to this conclusion beyond a reasonable doubt.