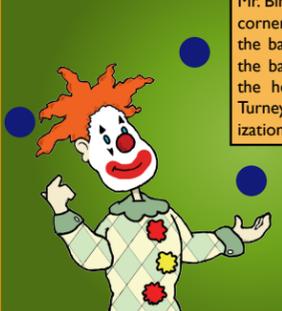


THE CIVIL CASE PROCESS IN A CALIFORNIA SUPERIOR COURT

INSTIGATING EVENT



Mr. Binky was juggling on a street corner when he lost control of the balls he was juggling. One of the balls struck Mr. A. Turney on the head, causing an injury. Mr. Turney incurred bills for hospitalization and treatment.

COMPLAINT FILED



Mr. Turney asked Mr. Binky to pay for medical bills incurred as a result of the accident, but Mr. Binky said it wasn't his fault. He claimed Mr. Turney was standing too close.

Mr. Turney then filed a complaint at the Superior Court to claim his damages.

ANSWER FILED



Mr. Binky answered Mr. Turney's complaint stating that Mr. Turney caused his own injury by standing too close. He also filed a cross-complaint against Mr. Turney claiming loss of business.

MOTIONS FILED RELATED TO DISCOVERY MATTERS. PRETRIAL PROCEEDINGS.



The judge heard the reasons Mr. Binky did not want to appear at the deposition but was not impressed. He ordered Mr. Binky to appear at the deposition and to cooperate or he would fine him \$1000. Mr. Binky only frowned. Later that day he fired his attorney.

DISCOVERY PROCEEDINGS



Mr. Turney's attorney discovered that Mr. Binky had lost control of his balls on several other occasions, causing injuries to other passersby. So he decided to depose Mr. Binky and see what he could discover about these other injuries.

Mr. Binky refused to be deposed, saying he just wants to go to court. Mr. Binky's lawyer tried to explain to Mr. Binky that the plaintiff, Mr. Turney, had a right to the deposition. But Mr. Binky could not be persuaded.

So Mr. Turney filed a motion with the court asking the court to compel Mr. Binky to appear at his deposition.



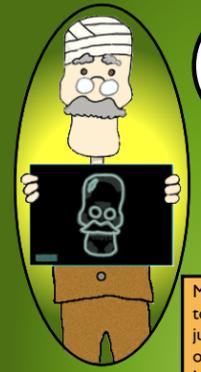
TRIAL BY JUDGE OR JURY



Mr. Binky insisted on a jury trial. 12 jurors were selected and sworn in. Not having found another attorney to represent him, Mr. Binky was forced to represent himself at trial. So, he did not have the advice of counsel when he decided to juggle for the jurors while giving his opening statement. He wanted to show how skilled he was at juggling, and how only someone standing too close could get hurt. Unfortunately, a ball got away from Mr. Binky and hit a juror.

OPENING STATEMENTS

PLAINTIFF'S PRESENTATION OF EVIDENCE



As you can see, the hole in my head is the same shape as Mr. Binky's juggling balls.

Mr. Turney presented evidence to prove he was injured with jugglers' balls and that the cost of his medical care was \$750. He also presented evidence of pain and suffering. Mr. Binky was reluctant to repeat his mistake at opening statements so he did not present evidence disproving Mr. Turney's evidence, nor did he present evidence that he lost business as a result of Mr. Turney filing a lawsuit. He merely rested.



Objection. How does Mr. Turney know what balls I use!

TRIAL BY JUDGE OR JURY



Mr. Turney merely asked Juror #9 to stand up and show everyone his new head wound.

In his rebuttal, Mr. Binky claimed again that Mr. Turney had strayed too close to the balls, so the injury was not the fault of Mr. Binky.

CLOSING STATEMENTS

JURY INSTRUCTED



The judge read the appropriate laws to the jury and then told them that if they believed by the evidence that Mr. Binky was careless, they must hold for the plaintiff, Mr. Turney. He also instructed them that they could reduce the amount of an award if they thought Mr. Turney contributed to his injury by standing too close to Mr. Binky. The judge also instructed them on Mr. Binky's claims for loss of business.

VERDICT



...and Mr. Binkey was ordered to pay \$750 in actual costs and a total of \$1,000 in compensation for Mr. Turney's pain and suffering.

DELIBERATIONS



The jury had few facts to discuss, nor could they forget Mr. Binky's very instructive demonstration. It took them no time to come to a decision. "Verdict for the Plaintiff!"

THE CIVIL CASE PROCESS IN A CALIFORNIA SUPERIOR COURT

INSTIGATING EVENT

This is the event that causes damage; a car accident, injury or something else that causes a legal injury to one party.

COMPLAINT FILED

A lawsuit is started by filing a complaint. A complaint in civil cases is the legal document filed by the person claiming to be damaged, called the plaintiff, which states the facts and identifies the action the plaintiff wants the court to take. Damages is the money requested by the person who allegedly has been injured.

ANSWER FILED

An answer is a legal document filed by the person the plaintiff believes caused the injury (the defendant). It contains the defendant's denial of responsibility for the injury and/or affirmative defenses. Affirmative defenses are legal principles defendant can raise like immunity that might bar plaintiff from making a claim or reduce the amount of money a judge or jury can award the plaintiff.

MOTIONS FILED RELATED TO DISCOVERY MATTERS. PRETRIAL PROCEEDINGS.

A motion is a request to the court for an order. A party may bring a motion for various reasons, such as to compel another party or witness to produce evidence, or to exclude certain evidence from being presented at trial. In addition to motions, parties can appear in court to resolve issues. For example, the court usually has a pretrial conference to discuss issues and scheduling of the trial.

DISCOVERY PROCEEDINGS

Before a case goes to trial, each party engages in a fact-finding process called discovery. Discovery helps a party understand the other side's version of facts, what a party or witness knows, and other evidence. Sometimes the information learned in the discovery process helps the parties come to a settlement or resolution of the case before going to trial. The most common discovery processes are depositions and interrogatories. A deposition is a proceeding usually taking place in an attorney's office in which a witness is asked to answer questions about the case before a court reporter. Interrogatories are written questions sent by one party to the other for answering, in writing, under oath.

TRIAL BY JUDGE OR JURY

Opening statements occur before the presentation of evidence at a trial. They provide the parties an opportunity to tell the judge or jury what the parties think the case is about and some of the evidence they will be presenting at trial to prove their case. These statements are not given under oath and they are not subject to cross-examination.

OPENING STATEMENTS

PLAINTIFF'S PRESENTATION OF EVIDENCE

At trial, evidence is presented in a specific order. First, the plaintiff presents evidence, which usually involves calling a witness to the stand to answer questions about the case. This is called direct examination. When the plaintiff is finished, the defendant is allowed to cross-examine the witness on the answers in the plaintiff's direct examination. The defendant can only ask questions that clarify or expand on answers to questions already asked on direct examination. After the cross-examination, the plaintiff can conduct a re-direct examination of his or her own witness if necessary to clarify or expand on any answers given in the cross-examination. When the plaintiff is done calling all witnesses and introducing any documents into evidence, the defendant puts on his or her case. The same process for the plaintiff's presentation of evidence is followed for the defendant's presentation.

DEFENDANT'S PRESENTATION OF EVIDENCE

TRIAL BY JUDGE OR JURY

Each party is allowed to address the judge or jury after all evidence is presented. Closing statements permit each party to summarize the evidence each presented and to make recommendations for a verdict. These statements are not subject to cross-examination. Sometimes, however, the plaintiff is given a final opportunity to reply to the closing statements of the defendant.

CLOSING STATEMENTS

JURY INSTRUCTED

If the case is a jury trial, the judge will give instructions to the jury after all the evidence in a case has been presented. The instructions cover such matters as the responsibilities of the jurors, how the jurors should evaluate the evidence, and laws and legal principles that apply to the case.

DELIBERATIONS

In jury trials, deliberation is the process the jury goes through to reach a decision in the case. This occurs in a separate and private room after the evidence has been given and the jury is instructed by the judge. A decision of the jury is reached in civil matters when 9 out of 12 of the jurors agree on the verdict.

VERDICT

A verdict by the jury (or a decision by the judge) determines whether the defendant is responsible for the injuries to the plaintiff. If the judge or jury finds the defendant is responsible for the injuries, then they must decide the amount of the award to be given to the plaintiff. An award might include reimbursement for the cost of medical treatment or money to compensate for pain and suffering.