

# **Indiana Legal Services, Inc**

Using the law to fight poverty, empower clients, and improve access to justice.

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## **Going To Court**

### **WHAT IS A CRIMINAL CASE?**

When someone breaks the law, they have a right to a trial. The State of Indiana prosecutes the accused in a criminal case. The accused is called the Defendant.

### **WHAT IS A CIVIL CASE?**

A civil case is a case between two people, called parties, to resolve a private dispute. A civil case can be decided by a judge or jury. Examples are divorces, contract disputes and personal injury cases. The plaintiff is the person who is suing, and the defendant is the person being sued.

### **WHO WILL BE AT THE TRIAL?**

An attorney, a person who interprets the law and argues the party's side to the court, usually represents each party. Witnesses may be called to give testimony at the trial. A judge oversees the trial. In some cases, a jury is also present to decide who should win the case. People who serve on the jury are called jurors. A clerk keeps a written record of what goes on during the trial. Members of the public may also be present to watch the trial. A bailiff is also present to keep control of the courtroom.

### **WHO CAN BE A JUROR?**

Anyone who is a United States Citizen over the age of 18 and can read, write, and speak English can be a juror. Jurors are selected randomly from various county registration lists.

### **WHAT WILL HAPPEN WHEN I GET TO COURT?**

Before entering the courtroom, you may be asked to go through a metal detector. If you want to watch a trial that has already started, you may sit quietly in the back of the room. If you are a party in the trial, you should meet with your attorney before entering the courtroom. If you are a witness, wait outside the courtroom until you are called.

### **WHAT SHOULD I WEAR?**

Men should wear a clean shirt and dress pants, and women should wear similar clothes or a nice dress. Your clothing should not be revealing in any way. Avoid t-shirts, shorts, sandals, or clothing that is dirty or in poor condition.

### **HOW DOES THE TRIAL BEGIN?**

When the judge is ready, court is called into session. The judge sits facing the parties at a table that is a little higher than the tables where the parties are sitting. You should stand when the judge or jury enters or leaves the courtroom.

### **WHAT HAPPENS DURING THE TRIAL?**

The attorneys call witnesses and present evidence to the court. A witness is a person who tells the jury what he or she has seen, heard, or otherwise observed about the case. Only the attorneys and the judges are allowed to ask the witness questions, not the jury. All other people in the courtroom should be quiet during the trial and only speak when asked to do so by an attorney or the judge. The attorneys also show evidence to the jury, such as photographs, papers, tape recordings, or anything else that helps the jury understand the case. A judge decides what evidence the jury can see or hear. At the end of the case, the attorneys make their final arguments and tell the jury why their client should win the case.

### **WHAT HAPPENS AT THE END OF THE TRIAL?**

After the attorneys have finished calling witnesses and presenting evidence, the jury leaves the courtroom and goes into another room to decide who should win the case. The jurors consider what the witnesses have said and any evidence presented by either party. Once they have discussed the case, the jury returns to the courtroom with its decision, which is called a verdict. The judge then announces the verdict to the parties. If the trial does not involve a jury, the judge will decide who should win the case and contact the attorneys to let them know of his or her decision.

### **HOW IS SMALL CLAIMS COURT DIFFERENT FROM A CIVIL TRIAL?**


Small claims court is a way that people can resolve problems without the time and expense of a civil trial. Usually, attorneys are not involved, although both parties may choose to hire an attorney or to speak with an attorney before and after the proceeding. Typical issues brought to small claims court include minor car accidents, landlord-tenant problems, property damage, or small contract disputes. There is a limit on how much money a party can get if he or she wins the case, so some disputes cannot be brought to small claims court. Check with the clerk of the court in the county where you live to find out what the limit is and how to file a claim.


### **INDIANA COURTS**

See [Indiana Courts](#) for links to the websites of Indiana courts and clerk's offices.

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