

## What Are Bench Skills?

Behaviors by a judicial official aimed at achieving the following goals:

- Maintaining control of the courtroom
- Causing participants to view the judge as ethical and professional, and the process as fair
- Articulating and enforcing expectations for the behavior of parties and attorneys
- Effectively communicating with participants
- Hearing and deciding cases efficiently
- Dealing with difficult people effectively
- Responding appropriately to unexpected events
- . . . And so on.

## Observation Checklist for Small Claims Court

### Opening Court

- \_\_\_ Does the judge introduce himself/herself?
- \_\_\_ Does the judge make a statement or provide information about procedure before calling the first case?

### Calling the Case

- \_\_\_ Does the judge put the parties under oath one at a time, or together?

### Missing Parties

- \_\_\_ If the plaintiff is present and the defendant is not, what does the judge do?
- \_\_\_ If the defendant is present and the plaintiff is not, what does the judge do?
- \_\_\_ If neither party is present, what does the judge do?

### Presentation of Evidence (both parties present)

- \_\_\_ Who talks first, and how does the judge let them know that?
- \_\_\_ What happens next?

## Entering Judgment

- \_\_\_ Is there a clear break between the evidence and the announcement of the judge's decision?
- \_\_\_ Can you tell from listening exactly what the judge has decided?
- \_\_\_ Do the parties have an opportunity to ask questions about the decision, and about what happens next?
- \_\_\_ Does the judge tell the losing party that s/he has a right to appeal?

## Judicial Demeanor

- \_\_\_ What steps, if any, does the judge take to help the parties feel more at ease?
- \_\_\_ Does the judge make eye contact with the parties?
- \_\_\_ Does the judge allow ample opportunity for the parties to ask questions?
- \_\_\_ Does the judge's body language indicate that s/he is listening? How so?
- \_\_\_ Do you believe that the parties felt that their testimony had been heard and understood by the end of the trial?
- \_\_\_ Can you identify some ways that the judge maintained control of the proceedings?

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