Judge’s Instructions

1. When everyone is in the courtroom and sitting down, hit the gavel once to the desk and say, “This Court is now in session.” Wait for silence.
2. The bailiff will then begin with “All rise…” and administer the oath of confidentiality.
3. When the bailiff finishes, ask “ Is the Advocate Attorney is present for the Complainant?” After response say, “Please stand and introduce yourself and the person you are representing.”
4. When they finish the introductions, ask them to tell the jury what happened.
5. When the advocate attorney finishes speaking, ask the complainant, (if present) if they would like to add anything.
6. Then ask the Offender’s Advocate Attorney to introduce him/herself and the person they are representing. Then ask if the advocate attorney would like to explain what happened, or add something to the complainant’s story.
7. When both sides have spoken, Read the instructions to the jury, loudly and clearly, as follows:

“Members of the Jury: Your responsibility is to listen carefully to the offender and the advocate attorneys, and to ask questions of the offender to clarify the situation a assess the offender’s attitude. Your questions should aim to understand why the situation occurred, and to help the offender come to an understanding of why they did what they did and what alternatives may have been possible. You may also direct questions to the complainant regarding the needs of the complainant. And finally, you will want to know whether the situation is part of a larger pattern. Raise your hand slightly to indicate to me that you have a question. Once you have no further questions, I will direct the bailiff to escort the complainant, offender and attorneys out of the room while you deliberate. Are you ready to begin questioning?”

1. Call on individual jurors as they raise their hands. If it is unclear who the juror is talking to, ask them. Allow time for all questions to be asked, and appropriate “wait time” for them to formulate questions.
2. When they seem to be done, and if there are no questions from the audience delivered to the jury, ask the jury if they are finished with questioning. If so, instruct the bailiff to take the participants out of the room while the jury deliberates.
3. Say to the jury: “The jury should now select a foreperson to facilitate the decision process and to fill out the form. You will need to conference together to come up with consequences or solutions that will be **restorative** to all involved**, both the complainant and the offender**. Actions chosen must be SMART: Specific, Measurable, Attainable, Relevant, and Timely. We are not seeking to punish, but to repair harm and reduce the likelihood of future problems.

In order to facilitate your work, a list of possible solutions is provided. You may check any and all that you would like to require, or write your own at the bottom of the page. The jury foreperson shall then indicate to me when the jury has reached a decision. The jury foreperson shall read the consequences, as well as the due date for fulfillment. If I do not feel a consequence is restorative, I may ask you to explain how you see it as restorative. Please begin.”

1. Once the jury indicates to you that they are ready, instruct someone by the door to let everyone back in.
2. Bang the gavel again for order, and ask the jury foreperson to read their decisions and due dates. While they read, fill out your copy of the checklist to match the jury’s.
3. Once finished, ask the parties if they are agreeable to the decisions. If they are, instruct the jury foreperson to bring you the copy of their decision. Make sure you wrote it down correctly on your sheet. Make any necessary corrections, and then ask the bailiff to deliver the decision to the offender.
4. Make sure the bailiff and you put the due date and name of the offender on the calendar.
5. When all the above is accomplished, bang the gavel again, and say, “Court is now adjourned.”