CONVINCING THE JUDGE pdf

1: Convincing a Judge to Lower the Initial Bail | www.enganchecubano.com

Convincing the Judge A defendant in a lawsuit involving large sums of money was saying to his lawyer, "If I lose this case, I'll be ruined." "It's in the judge's hands now," said the lawyer.

Posted on Jun 2, Two Canadian jurists put on a workshop entitled "Dealing With Difficult Judges," and they kindly gave their permission to share their materials with you. I summarize their observations and suggestions here, and add a few of my own. As these two bench officers point out, judges like the rest of us can be difficult and reactive at times, and it can be quite challenging for attorneys and pro se litigants to know how to prepare for, and best behave within, the sometimes edgy or emotional atmosphere of family courtrooms. This tension, if not understood or managed correctly, can have negative consequences in terms of outcomes and more. My intention is not to imply criticism of our bench officers. Being an effective judge day in and day out requires vast knowledge and a patience and equanimity that would challenge even a Mahatma Gandhi. Here are some pointers for how not to aggravate your family court bench officer, and a few thoughts about what to do if that happens, despite your best efforts. The opinions expressed herein are not one size fits all. I also want to have a dialogue about how to make the job of family law judges easier for them, or - to put it another way - to discuss a bit about how we might help them to help us. Suggestions for Interacting With Family Court Judges Here are some 25 suggestions that, if followed, will vastly improve your family law court experience, and possibly win your case! Courts everywhere, but particularly here in California with the passage of Family Code section which requires live testimony hearings upon request , are overburdened. Judicial resources are not sufficient to meet demand in these budgetary times, and this places a premium on directness and efficiency. Economic limitations also makes judges a lot crankier than if they had more resources to manage their caseload and calendars. Depending on County size, wealth and population, California Family Law Judges typically have between 20 and 35 or more matters on their morning calendars. In the afternoons they are often holding evidentiary hearings and trials. If they are to move through these calendars by the end of the morning, brevity and efficiency becomes exceedingly important. Lack of preparation, especially for lawyers, is a cardinal sin. Be Prepared For This Particular Judge In jurisdictions with direct calendar assignments, where a judge is assigned to a case for all purposes or for all purposes possibly until the case is reassigned for trial, learn about the particular bench officer s who presides over your case. As Judges Curtis and Zisman note, the best judicial officers are predictable and consistent in their rulings. Armed with such knowledge, both sides are in a better position to have productive settlement discussions that avoid a "crapshoot" and the associated risks and expense. They may also be aware of information about a judge that is not generally available to the public, like their expertise, practice focus, and reputation before they took the bench. Knowing that while a lawyer your judge participated in a case that generated a published appellate decision on a move-away case, for instance, could provide you a wealth of ideas on how to tailor your presentation. Likewise, knowing whether a judge has been reversed is useful for making sensitive presentations. Pro per litigants should consider observing a judge going through her calendar over the course of one or more days. You will learn tons about their judicial attitude from watching them in open court, and you may witness other parties get scolded or reprimanded for missteps and so avoid the same mistakes. A simple but classic example is the family court litigant who brings a small retinue of family members who are there to provide familial support, some of whom cannot sit still without gasping, shaking their heads violently, or sobbing. Let the Court Clerk Know the Day Before If the Case Will be Continued Sometimes one or both attorneys or parties intend to seek a continuance of a hearing, possibly because they want to discuss settlement but often because one or both are not ready to proceed or have late papers to submit. Judges have very different attitudes towards continuances, particularly where they have already read the materials and then are faced with a continuance request. Some allow self-represented parties to give advance notice of agreed upon continuances, but the other side will need to confirm it. Where both sides have attorneys and a particular judge is known to permit it, counsel should always let the court know one or even two days in advance that the hearing is not expected to proceed that day. Some counties or individual courts have local rules; many do not. Most judges have their own rules and styles, often never to be

found in written form. It never hurts to ask the Court clerk, when the judge is off the bench, whether that courtroom follows any specific preferences, customs, or rules of procedures. The state-wide source for procedural rules impacting California Family Law and Juvenile cases are the California Rules of Court, beginning with Rule 5. Lengthy declarations for a judge who has possibly 15 minutes to review your materials is always a bad idea - he or she may not read them, and some judges will consider sanctioning you. These rules apply to all family law matters in all California courtrooms. Start with Title 5. I discuss these in more detail below. Basically you ought to go to the County website where your case is filed and look for the local rules for that are applied. Talk to the Judge, Not the Other Party or Lawyer The time to discuss your case or argue with the other side is before you enter the courtroom. It drives judges nuts when two lawyers, two pro se parties, or any combination of them begin to argue at counsel table as though the judge was not present. Keep your focus on the judge, and generally avoid looking at the other party except for emphasis. Never address the other party directly. If you bring witnesses or support people in the courtroom, tell them in advance to keep control of themselves. This means no interruptions, no head shaking or head nodding, no gasps, and no agitated movements. It is natural that such people have an emotional investment in the outcome. Instead, start your presentation as though the Judge has not read the materials. Most judges will interrupt you to advise you when they have read it. At the same time, understand that the court only has enough time to listen to summaries of information, not the entire case. You need to know what your highlights and sound bites are, and they should be presented in as orderly a way as possible. Having outlined these in advance is very helpful in the heat of the moment, where you become distracted by some exchange. Use a notepad in a way that triggers your memory of the points you wish to make. One of the most common mistakes for self-represented parties is not to have thought through their presentation in advance. Stuttering around hurts your believability, and makes you seem emotional and therefore that you are spinning a story. Make It Easy for the Judge This Is a Biggie This is one of the greatest challenges, particularly for young lawyers and self-represented parties. How to know what matters and what does not? You want to help the judge to help you, and in doing this you need some ability to discern what is legally or factually important to them. The first and best opportunity is to do this is via the papers that are filed when your OSC, RFO, or Motion is drafted, or when replying to the other side. Here it is extremely important to know the local court rules, if any, as they pertain to how paperwork is prepared plus, use common sense. These papers give the court the first and sometimes the defining impression of the case. They are probably your biggest opportunity for persuasion. Their purpose is to instruct the Court, and to explain the justness and reasonableness of your position. Backbiting and attacking the other side, or their attorney, and engaging in irrelevant and personal argument, is a bad practice. In declarations consider inserting spreadsheets, Excel boxes, and tables where a point can be made visually and simply. Most judges are older people, and their eyes are not those of a something adult. Double space your writings; use at least 12 point font or better yet 13 point if you are not otherwise exceeding the allowable page numbers for the various pleadings; some judges insist that Courier or Times Roman be used; others insist that you use recyclable paper. Never handwrite your papers where you can avoid it, except possibly in cases involving domestic violence restraining orders requests since the Judicial Council forms are handwriting friendly. Number sequentially the paragraphs in your declarations. Organize your work for ease of access. Avoid using CAPS or Bolding, except possibly for titles and organizing sections of your written submissions, since many of us today interpret that as shouting. Underlines and italics may work better. The likelihood that the court will fully read your pleadings increases proportionately with its brevity and readability. Most judges consider more than eight pages to be way too long. Reduce and edit your work, and then reduce an edit it some more. Use active verbs and cut, cut, cut unnecessary verbiage not like I do in this Blog! Similarly, when the other side submits a lengthy or inflammatory pleading, resist to impulse the respond in kind. This can be a tall order in family law cases, since there is so much emotionality and reactivity in "he-said", "she-said" exchanges. Respect how little time a court has to review one of twenty plus files set for any given calendar. Do not include evidentiary submissions in pleadings, and consider tabbing or page numbering your exhibits and then referencing those page numbers or tabs in your declarations by page, paragraph number, or line number. This is a tough call, in my experience, because it is good practice to provide evidentiary support for

claims you make and positions you take but only if you expect the other side to deny what your attachments otherwise set forth - i. Less is more, and reflects sophistication. Sophistication implies knowledge - and knowledge is credible! Some courts will allow counsel or the parties to contact the clerk in advance of hearings to warn that the issues are more complex than normal. This may be a wise move on your part. Think about how long it would take for someone to read this stuff, and whether it is even necessary. You can simply make the statement in your declaration. Otherwise, your judge may be pissed! If you do need to attach a lot of exhibits, be sure to Bate-Stamp them. This inserts numbers on each exhibit page so that you can reference a specific page. How will they find it in the mass of pages if those pages are not numbered? Count to the 45th page? They will be aggravated instead with you, and say or think "I am only Human"! Reference the one page number that is important in your declaration - and maybe only attach that one page, except when otherwise necessary for context. Always Show the Other Attorney or the Other Party, If Not Represented, Anything You Want the Judge to Look At Self-represented parties, particularly it seems when the other party has an attorney, seem to think it is proper and even clever to not show the other side documents they want the Judge to consider. This is improper, and a big mistake that does not reflect well on you. It will aggravate your Judge. Ironically, dear Counsel or Self-Represented Party, you appear much more sophisticated if you do just the opposite; provide the surprise documents before the hearing except when it is true impeachment evidence which is a challenge to use when there is to be no testimony taken! Control your resentment and curb you passive-aggressive, or just plain aggressive, impulses - your success is largely linked to appearances, though it is genuine appearances that carry the day.

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2: Burden of proof (law) - Wikipedia

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We believe that this or a similar approach could eventually help us train AI systems to perform far more cognitively advanced tasks than humans are capable of, while remaining in line with human preferences. The debate method visualized as a game tree, similar to a game like Go but with sentences between debaters for moves and human judgements at leaf nodes. In both debate and Go, the true answer depends on the entire tree, but a single path through the tree chosen by strong agents is evidence for the whole. For example, though an amateur Go player cannot directly evaluate the strength of a professional move, they can judge the skills of expert players by evaluating the result of the game. Paper Debate Website One approach to aligning AI agents with human goals and preferences is to ask humans at training time which behaviors are safe and useful. Examples include environments with very large, non-visual observation spaces â€" for instance, an agent that acts in a computer security-related environment, or an agent that coordinates a large set of industrial robots. How can we augment humans so that they can effectively supervise advanced AI systems? One way is to take advantage of the AI itself to help with the supervision, asking the AI or a separate AI to point out flaws in any proposed action. To achieve this, we reframe the learning problem as a game played between two agents, where the agents have an argument with each other and the human judges the exchange. Even if the agents have a more advanced understanding of the problem than the human, the human may be able to judge which agent has the better argument similar to expert witnesses arguing to convince a jury. Our method proposes a specific debate format for such a game played between two dueling AI agents. The two agents can be trained by self play, similar to AlphaGo Zero or Dota 2. Our hope is that, properly trained, such agents can produce value-aligned behavior far beyond the capabilities of the human judge. If the two agents disagree on the truth but the full reasoning is too large to show the humans, the debate can focus in on simpler and simpler factual disputes, eventually reaching a claim that is simple enough for direct judging. The test is easier with a task that is not beyond human capabilities. We can do this by moving to the visual domain, and by replacing "debaters have capabilities the judge lacks" with "debaters have knowledge the judge lacks". The goal of the judge is to guess the contents of an image, but the judge is blind aside from a few pixels chosen by the debaters. The debaters see the complete image, and play a game where they alternate revealing single pixels to the judge for a few turns. Here the full image is a stand-in for information beyond human scale, and each revealed pixel is a stand-in for a natural language discussion point. The judge is not a human but a classifier trained in advance to predict MNIST digits from 6 non-black pixels, sampled at random for each image presentation when pretraining the judge. Two agents then have a debate where they alternate revealing pixels, stopping at a total of 6 revealed pixels so the judge sees only a little bit of information in total. One debater is honest and tries to make the judge guess right, the other debater tries to make the judge guess wrong. If both agents must declare in advance which digit they are arguing for, debate turns a That is, the honest player wins They alternate revealing non-black pixels to the judge, who correctly identifies it as a 5 after seeing six pixels. Intuitively, an image is more likely to contain pixels that convincingly demonstrate the truth than to contain pixels that convincingly demonstrate a lie, so 6 pixels chosen half honestly and half maliciously is much better than 6 random pixels. If the judge were a human capable of reasoning about a few arguments at a time but not sifting through the huge set of all possible arguments, optimal play in debate can we hope reward debating agents for doing the sifting for us even if we lack an a priori mechanism for distinguishing good arguments from bad. The panel below shows several example games. It is particularly easy to convince the judge that digits are 8 or 9: Confusion matrices with diagonal set to zero for the 6 pixel MNIST judge left on random pixels and right for debate. Errors with 6 random pixels have no obvious pattern, while successful lies in debate are concentrated on digits 8 and 9. It is particularly easy to convince the judge that a 5 is actually an 8, or a 4 is a 9. This may be an artifact of restricting the game to non-black pixels: Website for cat vs. Instead, we have made a prototype website for humans to try such experiments, playing the role of both judge and debaters.

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Each agent can reveal one pixel over the course of the debate, and this pixel is guaranteed to be truthful. An example debate by two human debaters and a human judge, where only the debaters can see the image. Red is arguing that the image is a dog, Blue is arguing for cat. In a typical debate, Alice might honestly claim the image is a cat, and Bob lies and claims it is a dog. Playing cat vs dog with two human debaters and a human judge. Limitations and Future Work The majority of our paper analyzes debate as a concept; the experiments above are quite preliminary. The judges should eventually be humans or models trained from sparse human judgements rather than ML models that metaphorically represent humans. Even with these improvements, there are some fundamental limitations to the debate model that may require it to be improved or augmented with other methods. Debate does not attempt to address issues like adversarial examples or distributional shift â€" it is a way to get a training signal for complex goals, not a way to guarantee robustness of such goals which would need to be achieved via additional techniques. There is also no guarantee that debate will arrive at optimal play or correct statements â€" self play has worked well in practice for Go and other games but we have no theoretical guarantees about its performance. Finally, humans might simply be poor judges, either because they are not smart enough to make good judgements even after the agents zoom in on the simplest possible disputed facts, or because they are biased and will believe whatever they want to believe. Most of these points are empirical questions that we hope to investigate. If debate or a similar approach works, it will make future AI systems safer by keeping them aligned to human goals and values even if AI grows too strong for direct human supervision. Even for weaker systems that humans can supervise, debate could make the alignment task easier by reducing the sample complexity required to capture goals below the sample complexity required for strong performance at a task. To visualize what the judge might be thinking, we train a separate two hidden layer fully connected network to predict the original image from the sparse mask. Thanks to Chris Olah for this visualization idea.

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3: Funny Clean JokesConvincing the Judge | Funny Clean Jokes

Lawyers are paid to convince others. Whether they are convincing a judge that a defendant is guilty or they are defending their own client's position, one thing is for certain: they must be persuasive.

Definition[edit] The term "burden of proof" is used to mean two kinds of burdens: The burden of production or the burden of "going forward with the evidence" and the burden of persuasion. For example, the presumption of innocence in a criminal case places a legal burden upon the prosecution to prove all elements of the offense generally beyond a reasonable doubt , and to disprove all the defenses except for affirmative defenses in which the proof of non-existence of all affirmative defense s is not constitutionally required of the prosecution. The evidential burden is the burden to adduce sufficient evidence to properly raise an issue at court. Standard of proof in the United States[edit] Burden of proof refers most generally to the obligation of a party to prove its allegations at trial. In a civil case, the plaintiff sets forth its allegations in a complaint, petition or other pleading. The defendant is then required to file a responsive pleading denying some or all of the allegations and setting forth any affirmative facts in defense. Each party has the burden of proof of its allegations. Legal standards for burden of proof[edit] Some evidence[edit] Per Superintendent v. Reasonable suspicion Reasonable suspicion is a low standard of proof to determine whether a brief investigative stop or search by a police officer or any government agent is warranted. It is important to note that this stop or search must be brief; its thoroughness is proportional to, and limited by, the low standard of evidence. Ohio , U. A mere guess or "hunch" is not enough to constitute reasonable suspicion. An investigatory stop is a seizure under the Fourth Amendment. The state must justify the seizure by showing that the officer conducting the stop had a reasonable articulable suspicion that criminal activity was afoot. The important point is that officers cannot deprive a citizen of liberty unless the officer can point to specific facts and circumstances and inferences therefrom that would amount to a reasonable suspicion. The officer must be prepared to establish that criminal activity was a logical explanation for what he perceived. The requirement serves to prevent officers from stopping individuals based merely on hunches or unfounded suspicions. The purpose of the stop and detention is to investigate to the extent necessary to confirm or dispel the original suspicion. If the initial confrontation with the person stopped dispels suspicion of criminal activity the officer must end the detention and allow the person to go about his or her business. Reasonable to believe[edit] In Arizona v. Gant , the United States Supreme Court defined a new standard, that of "reasonable to believe. The Court overruled New York v. There is still an ongoing debate as to the exact meaning of this phrase. Some courts have said it should be a new standard while others have equated it with the "reasonable suspicion" of the Terry stop. Most courts have agreed it is somewhere less than probable cause. Probable cause Probable cause is a relatively low standard of proof, which is used in the United States to determine whether a search, or an arrest, is warranted. It is also used by grand juries to determine whether to issue an indictment. In the civil context, this standard is often used where plaintiffs are seeking a prejudgement remedy. In the criminal context, the U. Supreme Court in United States v. Courts vary when determining what constitutes a "fair probability": Consider the following three interactions: Some credible evidence[edit] One of the least reliable standards of proof, this assessment is often used in administrative law, and often in Child Protective Services CPS proceedings in some states. The "some credible evidence" standard is used as a legal placeholder to bring some controversy before a trier of fact, and into a legal process. It is on the order of the factual standard of proof needed to achieve a finding of "probable cause" used in ex parte threshold determinations needed before a court will issue a search warrant. It is a lower standard of proof than the "preponderance of the evidence" standard. The standard does not require the fact-finder to weigh conflicting evidence, and merely requires the investigator or prosecutor to present the bare minimum of material credible evidence to support the allegations against the subject, or in support of the allegation; see Valmonte v. In some Federal Appellate Circuit Courts, such as the Second Circuit, the "some credible evidence" standard has been found constitutionally insufficient to protect liberty interests of the parties in controversy at CPS hearings. Substantial evidence is "more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a

conclusion. It is also the burden of proof of which the defendant must prove affirmative defenses or mitigating circumstances in civil or criminal court. In civil court, aggravating circumstances also only have to be proven by a preponderance of the evidence, as opposed to beyond reasonable doubt as they do in criminal court. The standard is met if the proposition is more likely to be true than not true. The standard is satisfied if there is greater than fifty percent chance that the proposition is true. Lord Denning , in Miller v. Minister of Pensions, [12] described it simply as "more probable than not. In most US states, the employer must prove this case with a preponderance of evidence. The defense must present its evidence in a pre-trial hearing, show that the statutory prerequisites have been met, and then request that the court grant a motion for declaration of immunity. The judge must then decide from the preponderance of the evidence whether to grant immunity. Clear and convincing evidence[edit] Clear and convincing evidence is a higher level of burden of persuasion than "preponderance of the evidence". It is employed intra-adjudicatively in administrative court determinations, as well as in civil and certain criminal procedure in the United States. For example, a prisoner seeking habeas corpus relief from capital punishment must prove his factual innocence by clear and convincing evidence. Clear and convincing proof means that the evidence presented by a party during the trial must be highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality. In this standard, a greater degree of believability must be met than the common standard of proof in civil actions, which only requires that the facts as a threshold be more likely than not to prove the issue for which they are asserted. This standard is also known as "clear, convincing, and satisfactory evidence"; "clear, cognizant, and convincing evidence"; and "clear, unequivocal, satisfactory, and convincing evidence", and is applied in cases or situations involving an equitable remedy or where a presumptive civil liberty interest exists. Beyond reasonable doubt[edit] Main article: Reasonable doubt This is the highest standard used as the burden of proof in Anglo-American jurisprudence and typically only applies in criminal proceedings and when considering aggravating circumstances in criminal proceedings. It has been described, in negative terms, as a proof having been met if there is no plausible reason to believe otherwise. If there is a real doubt, based upon reason and common sense after careful and impartial consideration of all the evidence, or lack of evidence, in a case, then the level of proof has not been met. However, it does not mean an absolute certainty. The term connotes that evidence establishes a particular point to a moral certainty which precludes the existence of any reasonable alternatives. These outcomes are far more severe than in civil trials, in which monetary damages are the common remedy. Another noncriminal instance in which proof beyond a reasonable doubt is applied is LPS conservatorship. There are others which are defined in statutes, such as those relating to police powers. The criminal standard was formerly described as "beyond reasonable doubt". That standard remains, and the words commonly used, though the Judicial Studies Board guidance is that juries might be assisted by being told that to convict they must be persuaded "so that you are sure". The civil standard is also used in criminal trials in relation to those defences which must be proven by the defendant for example, the statutory defence to drunk in charge that there was no likelihood of the accused driving while still over the alcohol limit [19]. However, where the law does not stipulate a reverse burden of proof, the defendant need only raise the issue and it is then for the prosecution to negate the defence to the criminal standard in the usual way for example, that of self-defence [20]. The House of Lords found that there was not. As the above description of the American system shows, anxiety by judges to make decisions on very serious matters on the basis of the balance of probabilities had led to a departure from the common law principles of just two standards. Neither the seriousness of the allegation nor the seriousness of the consequences should make any difference to the standard of proof to be applied in determining the facts. The inherent probabilities are simply something to be taken into account, where relevant, in deciding where the truth lies. Some seriously harmful behaviour, such as murder, is sufficiently rare to be inherently improbable in most circumstances. Even then there are circumstances, such as a body with its throat cut and no weapon to hand, where it is not at all improbable. Other seriously harmful behaviour, such as alcohol or drug abuse, is regrettably all too common and not at all improbable. Nor are serious allegations made in a vacuum. If it is seen outside the zoo on a stretch of greensward regularly used for walking dogs, then of course it is more likely to be a dog than a lion. The task for the tribunal then when faced with serious allegations is to recognise that their seriousness

generally means they are inherently unlikely, such that to be satisfied that a fact is more likely than not the evidence must be of a good quality. Other standards for presenting cases or defenses[edit] Air of reality[edit] See also: R v Cinous The "air of reality" is a standard of proof used in Canada to determine whether a criminal defense may be used. The test asks whether a defense can be successful if it is assumed that all the claimed facts are to be true. In most cases, the burden of proof rests solely on the prosecution, negating the need for a defense of this kind. However, when exceptions arise and the burden of proof has been shifted to the defendant, they are required to establish a defense that bears an "air of reality. Evidentiary standards of proof[edit] Depending on the legal venue or intra-case hearing, varying levels of reliability of proof are considered dispositive of the inquiry being entertained. If the subject threshold level of reliability has been met by the presentation of the evidence, then the thing is considered legally proved for that trial, hearing or inquest. For example, in California, several evidentiary presumptions are codified, including a presumption that the owner of legal title is the beneficial owner rebuttable only by clear and convincing evidence. This principle is known as the presumption of innocence , and is summed up with "innocent until proven guilty," but is not upheld in all legal systems or jurisdictions. Where it is upheld, the accused will be found not guilty if this burden of proof is not sufficiently shown by the prosecution. With respect to the critical facts of a case the defendant has no burden of proof whatsoever. The jury is not to draw any inferences adverse to the defendant from the fact that he has been charged with a crime and is present in court facing the charges against him. For example, if the defendant D is charged with murder, the prosecutor P bears the burden of proof to show the jury that D did indeed murder someone. P Burden of production: P has to show some evidence that D had committed murder. The United States Supreme Court has ruled that the Constitution requires enough evidence to justify a rational trier of fact to find guilt beyond a reasonable doubt. If the judge rules that such burden has been met, then it is up to the jury itself to decide if they are, in fact, convinced of guilty beyond a reasonable doubt. In this case, D is presumed innocent Burden of persuasion: P has to prove every element of the offence beyond a reasonable doubt, but not necessarily prove every single fact beyond a reasonable doubt. For example, a person charged with being drunk in charge of a motor vehicle can raise the defence that there was no likelihood of his driving while drunk.

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4: The Best Interests of the Child: Factors a Judge May Consider in Deciding Custody | DivorceNet

The Court gave you a break and did not incarcerate you. You were given a list of the Standard Conditions of Probation, and the Court may have imposed one or more Special Conditions. One thing you do not want to do is appear in front of the Judge and say you forgot the conditions; that you lost the.

Senators take turns reviewing FBI Kavanaugh report McConnell files motion to end debate on Kavanaugh and start process for confirmation vote. Kirstin Fisher reports from Capitol Hill. Unless some blockbuster revelation based on corroborated and convincing evidence comes out of the reopened FBI background investigation of Judge Brett Kavanaugh that was completed Wednesday, there is insufficient evidence for the Senate to refuse to seat him on the Supreme Court. Professor Christine Blasey Ford â€" who told the Senate Judiciary Committee last week that Kavanaugh sexually assaulted her some 36 years ago when both were in high school â€" was a compelling and sympathetic witness. But so was Kavanaugh, whose good name has been dragged through the mud by Democrats willing to say just about anything to keep him off the high court. We require evidence in addition to an accusation to prove all crimes. But the Democratic members of the Senate Judiciary Committee who questioned Kavanaugh last week stated repeatedly that his confirmation hearing was not a legal proceeding. They said it was a job interview. However, the Democrats are incorrect. When was the last time you had a job interview like that? In our system of law, accusations must be proved by those making them. We do not require the accusations to be disproved by the accused. There are many good reasons for this, not the least of which is that justice demands an individual be presumed innocent until proven guilty. Unsupported allegations are insufficient proof of guilt. And there is no corroborating evidence that the party where Ford claimed she was attacked actually occurred. The problem is not that Ford waited 36 years to reveal her allegations against Kavanaugh publicly. Rather, the problem is that she waited until public discussion of the possible nomination of Kavanaugh to the Supreme Court had begun before coming forward with her allegations. Moreover, the conduct of Sen. Clearly, Feinstein was not motivated by a desire to determine the truth of the allegations, but by a desire to cause maximum delay in the confirmation process in hopes of receiving a political advantage. Finally, certain conduct by Ford calls her credibility into question. As one excuse for refusing to come to Washington to meet confidentially with the committee Ford stated that she had a fear of flying. The information revealed last week indicated that she has a fear of flying only when she finds the trip to be inconvenient or undesirable. Instead, Ford hired a lawyer recommended by Feinstein to help her prepare for a hearing that had not even been scheduled at the time. All of this seems to suggest that Ford could have a political motivation in addition to civic duty and receiving justice that motivated her to level accusations against Kavanaugh. Unless the findings of the FBI investigation change that, the Senate should confirm him promptly.

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5: What Happens in Traffic Court: Trial By Judge | www.enganchecubano.com

My judge was a good man. His name was John Stegner. He was quite leery of allowing me to have only 15 years fixed, and 25 years indeterminate for second degree murder.

Whether you are writing as a victim or on behalf of a defendant , it must be written in business-style and in a professional tone in order for the judge to take the letter seriously. Why Write a Letter to a Judge? There are two main reasons someone would write a letter to a judge â€" one being to ask for something on behalf of someone on trial, such as a reduced sentence or bail. A victim can write his or her own victim statement as well, which is quite impactful since he or she is the person most closely affected by the came. If a family member or friend of the victim writes the letter, include statements regarding how others around the victim have been affected. How to Write in a Professional Tone The best way to write a letter to a judge is in business style, which is a formal way of structuring your message outlined below. In addition to following a business style structure, you should write the letter in a professional tone to ensure the judge will take your letter seriously. Write in the language you are fluent in, whether or not that is English. This will help you get your ideas across accurately and clearly, rather than writing in a language you are not entirely comfortable with. There will be someone available to the judge to translate your letter. If you choose to type the letter on a computer, get it printed on high-quality stationary or cardstock, not regular printer paper. If you choose to write the letter by hand, again â€" use high-quality paper and stay away from lined paper. Addressing the Letter Start with the envelope, writing to the judge in this format: Follow the order of this format, leaving a space in between each section: If you are unsure, you can look up this information on the Federal Judicial Center website. Body Copy After addressing the letter, you will start by clearly stating who you are â€" your first and last name â€" as well as your occupation and your state of residence. If you are well known in your community, your family name or place of work might make you more reputable in the eyes of the judge. Next, express exactly why you are writing. Then, state specifically what you want the outcome to be. If you are a victim or writing on behalf of one, you can write about how the crime has affected the victim physically, emotionally, or socially. If you are a defendant writing your own letter requesting leniency, you should include in the letter that you accept responsibility and explain what you will do to change your life. The letter should be no longer than one page. Proofreading You do not have to be a professional writer to draft a clear, concise, and accurate letter. However, the best way to write a letter to a judge is to pay very close attention to detail while writing, ensuring you run the letter through a grammar checker we recommend Grammarly and spelling checker to remove errors. But remember, grammar and spelling checkers are not fool-proof, so proofread your letter a couple of times before finalizing it. If you have information about a case that has not been presented to the authorities, you are responsible for contacting the police and turning over the evidence. If you are a victim and need help communicating your story, here is our guide on How to Write a Compelling Victim Impact Statement. More On This Topic.

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6: Techniques Lawyers Use to Persuade Judges and Jurors

How to Write a Letter to a Judge Before Sentencing. In this Article: Writing a Letter as the Defendant Writing a Character Letter for a Defendant Community Q&A Writing a letter before sentencing is a way to tell a judge that the criminal defendant is a good person who deserves a light sentence.

When the judge grants you a TRO temporary restraining order , the judge will simultaneously set a court date for the abuser to come to court and respond. And the battle is on. Before you apply for a restraining order, be aware that this is the process you are opening. Think about whether this is going to turn out well for you or not. If there is an open criminal case against the abuser in which you are the victim, including if he is on probation, consider getting a criminal protective order instead of, or in addition to, a family court domestic violence restraining order. Work on your restraining order statement before you write it into the record. The statement you write in your application for a restraining order is an official, sworn, declaration to the court. It can also be brought into any future court proceedings, either to support you or to be used against you. So the statement you write in your restraining order application should be well thought out. It should be your best summary of your case against the abuser. So work on and write out your restraining order statement before you go into a restraining order clinic to fill out the papers! Many, many women go into a restraining order clinic, or pick up the application papers and dash off a quick statement at a coffee shop, without giving any thought to the permanence and significance of this statement. Critical points get left out that are very difficult to insert into the case later. If the restraining order declaration is weak, there are all kinds of ways the abuser can use this weak statement against her. This does not mean you have to cover everything in your restraining order statement. That way the judge is more likely to read it thoroughly. Throughout your declaration, use phrases like, "Among other things, John did x, y, and z. Keep your restraining order text focused on violence or threats of violence. So even though the lies and the swearing may be very much a part of the abuse, they are not a basis for the judge to grant a restraining order. Here are the key elements you should include in your restraining order text: Start with a summary paragraph of why you need a restraining order. For the last year his violence against me has escalated and a week ago he tried to strangle me. He has threatened to kill me on more than one occasion. Give specific case numbers and dates if possible. Write a paragraph about the most recent incident against you and a paragraph about the worst incident against you. Be sure to mention if the abuser has used, brandished, or owns weapons. Give complete quotes of threats to harm, kill, or kidnap. Include incidents of forced sex. Forced sex is violence. Always give dates as close to the actual time as possible. Write a paragraph about your level of fear of the abuser. Be specific about what you are afraid might happen to you or your children, and why you think he is capable of these acts. Keep in mind, this is just a working guideline. Be sure and adjust this outline to your own needs and circumstances. Immediately report each and every violation of the restraining order. He gets served with the order by the Sheriff or by the court. Then he picks up the phone and gives you a call to ask about the kids. Or he sends you a sweet card with a note that he misses you. And that poses a great danger to you. Call the police right away. This has happened so often, that many states have now passed laws that require police to make an arrest whenever a domestic violence restraining order is violated, no matter how minor that violation may appear in the mind of the officer. So pick up the phone, dial , and report each and every violation of your restraining order to the police. And even if the officer takes notes on what you say, tell the officer that you want to write out a statement that will go into the report. Feel free to photocopy and distribute this information as long as you keep the credit and text intact.

CONVINCING THE JUDGE pdf

7: AI Safety via Debate

Kuhne, a litigator in Dallas, has prepared a handbook for attorneys on courtroom behavior. While the title states that it is about interactions with judges, the advice goes far beyond that to preparing the case, selecting jurors and negotiating settlements. Kuhne suggests that the litigator.

The more judges and jurors they are able to sway in their direction, the more cases they will win and the more money they will make. But exactly how do lawyers do it? What do successful lawyers do to convince jurors and judges that unsuccessful lawyers do not? There are, a number of tried-and-true strategies that successful lawyers use when handling a case. Here are just a few: They Anticipate Likely Objections â€" Anticipation is key when it comes to the courtroom. Convincing lawyers are able to anticipate the objections and questions judges and jurors may have about their case and address them head on, before the audience even has time to realize it. This gives the illusion of a more iron-clad case, as audience members are left with no lingering curiosities or unanswered questions. They Use Storytelling â€" Lawyers tell a story that paints a picture; taking the audience from beginning to end, and make them feel as if they were actually present at the time of the crime. They choose their words carefully, keeping judges and jurors enthralled with strong adjectives and verbs, and they finish off with an emotionally-appealing, dramatic ending. They Know their Audience â€" In order to truly convince someone, you have to be able to see the situation from their perspective. This is something lawyers do expertly. Then, they can tell audience members exactly what they want to hear. Well the same goes in a courtroom. Successful lawyers do more showing than telling. They give their audience visible, tangible proof that the case is as they say it is by providing concrete evidence, clothing, pictures of the crime scene or the victim, documents etc. They use solid arguments, based on fact, logic and common sense. Over the course of a trial, this earns the respect of the audience and gives them more reason to believe, trust, and stand behind the lawyer when it comes time for a decision. Lawyers often use this to their advantage. They pull at the heartstrings of judges and jurors, pique their interest and get them emotionally invested in the case. They call attention to particularly happy or harrowing facts, and ensure their audience is captivated every step of the way. While this is not an exhaustive list of all techniques successful lawyers use to convince judges and jurors, these are some of the most common. These powerful methods can mean the difference between winning and losing a case.

8: Best Way to Write a Professional Letter to a Judge

BTW, proof that a judge has doctored the hearing transcript would almost certainly result in judicial discipline if proved, but that is a can of squiggly wet worms that I do not recommend you attempt to grasp, since if your attack on the court fails that judge might make it their mission to ruin a party or an attorney, or the case.

9: How to Write a Letter to a Judge Before Sentencing (with Pictures)

Convincing a Judge to Lower the Initial Bail. Judges want to know about the defendant, including potential danger to the community and likelihood of coming to court.

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