

THE BAILIFF'S HANDBOOK

The military court-martial is a visible procedure dedicated to the proposition of equal justice under the law. A court-martial should be conducted to command the respect and assure all that the law is functioning and order will be preserved. Anything that distracts from respect for the law and the authority of the court is to be avoided.

The court-martial should not be disturbed by small administrative matters. Every party to the court-martial should know what is expected of them. The military judge and trial counsel receive the assistance of a bailiff who has been instructed as to his or her responsibilities. The bailiff should be senior to the accused. A bailiff is disqualified if he or she is, or has been, in the same case, the accuser, a witness, an investigating officer, counsel, or has previously served as a member of the accused's court-martial.

The bailiff should receive specific instructions as to his or her duties from the trial counsel before and after each session of court. While the court is in session, the bailiff is under the supervision of the military judge and will assist the military judge and counsel in the conduct of an orderly trial. The bailiff should be familiar with the location of the principle offices and facilities within the law complex.

DUTIES OF THE BAILIFF

Prior to Court-Martial

1. The bailiff will report in the uniform designated by the military judge to trial counsel at least 30 minutes before the beginning of each day's proceedings. Thereafter, the bailiff will report to the military judge 15 minutes before the reconvening of each of the day's proceedings.
2. The bailiff ensures that the courtroom spectator area and deliberation room for court members are neat and orderly. He or she will place the furniture in the proper arrangement as directed by the trial counsel or the court reporter.
3. The bailiff, with assistance of trial counsel or the court reporter will ensure that the military judge has the desired desk supplies and that the court members have pencils and pads of papers in their deliberation room.

ENTRY AND DEPARTURE OF MILITARY JUDGE

4. When counsel for both sides, the accused, the reporter, and if applicable, court members, are present in the courtroom, the bailiff will notify the military judge and escort the judge to the courtroom. When the bailiff enters the courtroom with the military judge, he or she will announce: "All rise." When the military judge announces a recess or adjournment the bailiff will announce: "All rise." If need be, the bailiff will instruct the spectators to stand fast until the military judge has departed the courtroom. The military judge will advise the bailiff of any departure from this procedure.

ENTRY OF COURT MEMBERS

5. When the court members enter the courtroom and when the court members stand to be sworn, the bailiff will announce: “All rise” in a voice that can be heard by all, unless advised of different procedure by the military judge.

SPECTATORS AND MEMBERS OF THE NEWS MEDIA

6. Military trials are usually open to the public. Spectators and members of the news media are welcome in the courtroom to observe the trial proceedings, unless otherwise instructed by the military judge. The bailiff should see that they enter the courtroom, be seated, and leave quietly while the court is in session.

7. As the law does not permit picture taking or any type of broadcasting in or from the courtroom. The bailiff will not permit broadcasting-capable equipment to be taken into the courtroom. Any problems concerning this matter should be brought to the attention of the trial counsel without delay.

8. Courtroom rules do not permit spectators to eat, sleep, smoke, chew gum, or engage in conversation while the court is in session. The bailiff should quietly and diplomatically inform offenders of these rules.

9. Anyone talking or making distracting noises in the areas outside of or adjacent to the courtroom while court is in session will be informed by the bailiff that a court is in session and they can be heard in the courtroom.

10. Rowdiness and violence are not unknown in the courtroom. The bailiff must be alert and prepared to take immediate steps to suppress unruly behavior.

COURT MEMBERS – IN CLOSED SESSION

11. When the court members are in closed session, they are the only ones permitted in the deliberation room. Therefore, the bailiff will not enter that room or permit anyone else to enter during the closed session.

12. The bailiff is the only contact between the court members and the parties to the trial during the periods the court members are deliberating. The bailiff will be available to the court members outside their deliberation room and immediately notify counsel and the military judge when the court members are ready for the court to be reopened.

13. If the bailiff is instructed to deliver any item or message to the court members in closed session, he must first inform the military judge and obtain his or her approval.

MISCELLANEOUS DUTIES DURING TRIAL

14. The bailiff will be prepared to furnish the following services:

a. Summon the court members to the courtroom at the beginning of each session of court when directed to do so by the military judge or trial counsel.

b. While the court is in session, collect written questions from the court members upon the military judge's request and hand them to the court reporter, the military judge, and counsel as instructed.

c. Summon witnesses to the courtroom when requested by counsel.

d. While the court is in session, deliver findings and sentence worksheets to the president of the court when instructed to do so.

e. Deliver items of evidence to the deliberation room, if instructed to do so by the military judge, when the members retire to the deliberation room.

f. Perform administrative errands during the trial as requested by the military judge or counsel.

THE BAILIFF'S RELATION TO THE ISSUES AND PARTIES OF THE TRIAL

The bailiff must remain neutral during the trial of a case. In other words, the bailiff should not take the side of prosecution or defense. **The bailiff must never participate in any discussion of the merits of the case and should never attempt to predict the outcome of the trial.** The bailiff must not make any comments on the performance of counsel or on the testimony of a witness. **The bailiff shall not reveal to members the matters discussed during sessions of the trial held outside the presence of the members.**