

Dear Teacher,

The following pages can be printed and folded into a little handbook to distribute and review with your students prior to the *Courtroom to Classroom* visit by your Judge or Attorney.

You'll notice that the page numbers are wacky, but if you print as follows: print pages 2 – 9, print on both sides of paper, and specify the paper orientation as landscape, you can then fold the copies in half to make a booklet with the pages in order.

Courtroom to Classroom: Learning About Law



Student Handbook

Judge	The person who presides over a trial to make sure it is conducted fairly. If the trial does not have a jury, then the judge makes the decision about whether or not the defendant is guilty.
Jury	A group of citizens called upon to hear a case and reach a verdict.
Justice	An appellate-court judge.
Legal	Having to do with the law.
Lawyer	Another word for attorney.
Oral argument	The speech that an attorney makes in court.
Party	Legal term for a person or group.
Plaintiff	The party bringing a case to civil court.
Prosecution	The attorneys for the state in a criminal case. They try to prove that a defendant is guilty.
Trial Court	The court where evidence is presented by both sides and a jury or judge reaches a verdict.
U.S. Constitution	The document that describes how our government is set up and what its powers and limits are. It is the supreme law of the land.
U.S. Supreme Court	The highest appellate court in the land.

Legal Dictionary

Amendment	A change or addition to a legal contract or document. The Bill of Rights is a list of amendments to the U.S. Constitution.
Appeal	To ask a higher court to take a case.
Appellate Courts	Courts that only deal with appeals.
Bill of Rights	Part of the U.S. Constitution, this document lists most of our rights. Many of the rights have to do with being innocent until proven guilty and the right to be treated fairly by the police and in court. The rights are listed as amendments.
Brief	An argument that an attorney writes about a legal issue related to the case that is being tried or appealed. The judge or justices read briefs from both sides to understand in advance what the arguments are going to be in court.
Civil Law	See pages 2-3.
Closing	The speech that an attorney makes to summarize the case for the judge, justices, jury.
Criminal Law	See pages 4-5
Defense	The attorney for the defendant.
District Attorney	The attorney for the prosecution.

This year, you are going to get a chance to try your skills at being judges and attorneys.

As you know, judges and attorneys have law degrees.

You won't have time to go to law school this year...



...so a judge or attorney will be coming to your class to help you get ready to work on a case.

There are a few things you should know before they get here.

Part One: Civil or Criminal?

There are a two basic types of cases that judges and attorneys work on:

civil cases and **criminal cases.**

Civil law deals with the rights of individuals and with conflicts over those rights.

At some time in your life, you will do something that is related to civil law.

For example, anyone who ...

- signs a contract or a lease,
- gets a divorce,
- starts or closes down a business,
- gets a copyright,
- buys or sells property,
- opens a credit card account, or
- adopts a child

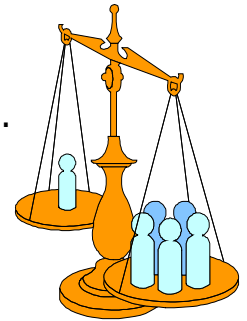
is participating in a legal agreement or action.



One justice writes the opinion of the court.

It tells the facts of the case, the decision, and the reasons for the decision.

If a justice disagrees with the decision, he or she may write a dissenting opinion.



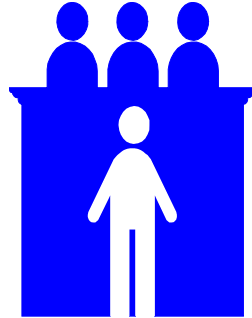
There are different levels of the appellate courts. The U.S. Supreme Court is the highest in the land. Some cases are appealed all the way from the local appellate court to the Supreme Court.

The decisions that the appellate courts make become part of the rules for courts to follow from then on. Some decisions have to do with the way the Constitution and the Bill of Rights are interpreted. These decisions become law.

The appeals court is different from a trial court.

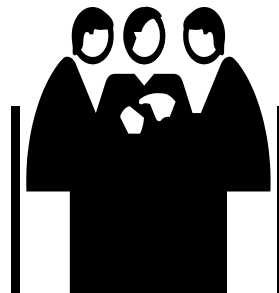
It does not hold a trial. There are no witnesses, no jury, and no evidence is introduced.

A panel of justices hears the appeal.



Lawyers on each side present arguments. The arguments are about the "error of law" that is being appealed.

After the oral arguments, the justices leave the courtroom to discuss, research, and think about the case.



Then they reach a decision.

In civil cases, one person or group of people take another person or group to court. A person who thinks that another person (or organization) has violated his or her rights may take the dispute to court.

Civil cases often involve:

People suing because they believe someone owes them money.

People who believe they have been hurt or injured because someone was negligent.

People who believe they have been treated unfairly by another person, a business, the government, or others.

In most cases, people hire attorneys to represent them. The person taking the case to court is called the plaintiff. The person being taken to court is called the defendant.

If the conflict involves less than a few thousand dollars, a person might take the case to "small claims court." Here, people argue their own cases without attorneys. A judge listens to both sides and makes a decision.

Criminal Law

In this country, all citizens are expected to obey the laws. We depend on each other to obey the law so that our streets, homes, property, and persons are safe. When someone breaks the law, it is as if that person is committing a crime against all of us.

When a law has been broken – a crime committed – it goes to **criminal court**.

The person accused of the crime is called the *defendant*. The city, state, or U.S. government brings the case to court on behalf of “the people.” That means all of us.

This is different from a civil case, where citizens or organizations bring cases to court against each other.

Civil Case

Criminal Case

Defense v. Plaintiff
Person or Group v. Person or Group

Defense v. Prosecution
Person v. Government

For example, the claim could be that . . .

The judge made a mistake instructing the jury.



The judge allowed evidence that should not have been let in.



A law is unconstitutional.

The judge or attorney who visits your class can tell you more about what kinds of issues can be appealed. This is a good question to ask.

Part 3 Appeals Court

Judges try to make sure that trials are conducted fairly. But sometimes legal questions come up that require a second opinion.

Our justice system is set up to handle those situations through the *appeals* process. Attorneys can ask a higher court to look at a decision that a trial court made and see if that decision should stand or not. Courts that hear appeals are called appellate courts.

A case cannot be appealed just because the defense or the prosecution/plaintiff doesn't like the verdict. The appellate court will only hear a case if there is a question about the law or the rules of the court.



Remember, to conduct a **fair** trial, judges and attorneys must follow certain rules.

Some of these rules come from the U.S. Constitution. Appeals are accepted only when it is alleged that a rule was not followed, or the Constitution was violated.

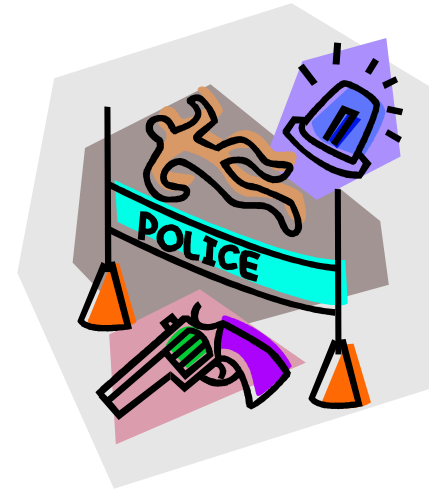
Criminal cases often involve:

Murder, assault, battery, and other violent crimes.

Robbery, theft, and other property crimes.

Drunk driving and other vehicular crimes.

In a criminal court, the defendant is represented by a defense attorney. The attorney for the government is called the prosecution, or often the district attorney.



Part 2: Trial Court and Appellate Court

Civil and criminal cases are “brought before the court” for trial.

In a trial court...



One judge presides.
The judge's job is to
make sure everything
that happens is fair
to both sides.

The evidence comes from
witnesses, whom lawyers
examine and cross-examine.



The prosecuting
attorneys present
evidence to prove
the defendant is
guilty.

The defense
lawyers present
evidence to prove
the defendant is
not guilty.

A jury hears the
evidence and gives
a verdict.