

Pursuing Justice: The Judicial System



February 18-21, 2017

Red Lion Hotel, Olympia, WA

Curriculum Packet



Mission Statement of WSU 4-H Know Your Government

The Know Your Government (KYG) Program serves to strengthen the connection between youth and our political and social networks through education, experience, application, and inspiration. **4-H KYG values: inquiry, regard for others, respect/cultural competence, positive communication, and strengthening personal values.**

The civic focus topic and activities experienced through the KYG program are all vehicles to provide the opportunity and framework to develop these values.



Educational Objectives of KYG 2017 ‘Pursuing Justice: the Judiciary System’

During pre-conference county orientation meetings, participants will learn about the Washington State judicial branch of government and how it works interactively with the executive and legislative branches. In addition, delegates will become familiar with: 1) different kinds of cases, 2) Washington’s five courts and their jurisdiction, 3) the trial process, 4) resolving conflicts and 5) the roles and purpose of those in a mock trial. At the February conference, teens will take on the roles of attorney, defendant, witness, juror, or reporter, as they participate in a mock trial with a ‘real’ judge.

From orientation training & conference participation, believes delegates will have the opportunity to learn all or some of the following:

1. Gain knowledge of the Washington State Judicial System: how it works and how a citizen functions within it
2. Review the five courts in Washington State and their jurisdictions
3. Realize that democracy requires responsible citizenship/participation
4. Learn about various trials and their purpose and process
5. Understand the roles of the players within a trial
6. Increase awareness: the law may differ from personal feelings & these feelings do not outweigh evidence when deciding the verdict of a case
7. Knowledge of his or her state legislative district and an awareness of issues that affect that district
8. Strengthen focused life skills: **critical thinking, communication, and positive citizenship**

Critical Thinking: Developing strategies for analyzing, comparing, reasoning, and reflecting to discover meaning and direction when deciding what to believe or do

Communication: Clearly stating my thoughts, feelings, and ideas to others, settling disagreements in ways that are not hurtful; listening carefully to what others say

Positive Citizenship: Developing individual devotion in response to duties, rights and privileges as a member of a community or county

A Group becomes a *Community* when each member is sure enough of himself and his contribution to praise the skills of the others.

Norman Shidel



What civic education is required for Washington students?

The 4-H Know Your Government Program meets Washington State educational standards.

Civics Graduation Requirement RCW 28A.230.093

At least one-half (0.5) credit must be coursework in civics. The content must include:

- Rights and responsibilities of citizens in the Washington State and United States constitutions.
- Current issues at each level of government.
- Electoral issues, including elections, ballot measure, initiatives and referenda.

State Standards Social Studies

1. **Civics** – The student understands and applies knowledge of government, law, politics, and the national’s fundamental documents to make decisions about local, national, and international issues and demonstrate thoughtful, participatory citizenship.

1.2 Understands the purposes, organizations, and function of governments, laws and political systems.

1.4 Understands civic involvement.

5. **Social studies skills**- The student understand and applies reasoning skills to conduct research, deliberate, form, and evaluate positions through the processes of reading, writing and communicating.

5.1 Uses critical reasoning skills to analyze and evaluate positions.

5.1.1 Analyzes consequences of positions on an issue or event.

5.1.2 Evaluates the precision of a position on an issue or event.

5.3 Deliberates public issues.

5.3.1 Evaluates one’s own viewpoint and the viewpoints of others in the context of a discussion.

5.4.1 Evaluates multiple reasons or factors to develop a position paper or presentation.

English Language Arts

Speaking and Listening Standards

Comprehension and Collaboration (SL.9-10)

1. Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others’ ideas and expressing their own clearly and persuasively.

2. Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.

3. Evaluate a speaker’s point of view, reasoning, and use of evidence and rhetoric.

Presentation of Knowledge and Ideas

4. Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.
6. Adapt speech to a variety of contexts and communicative tasks, demonstrating command of formal English when indicated or appropriate.



What is the 4-H Know Your Government Program?

Know Your Government (KYG) is a civic education program with a four-year rotating topic: The Legislative System, The Judicial System, Elections and Party Platforms, and Politics and the Media. This year we will explore the topic of the Judicial System. It is important to remember though, that KYG is much more than learning about how cases, courts, and trials. In fact, one could argue that it is little about that. **KYG and 4-H is about learning the life skills our delegates will need to be responsible citizens and productive adults.** The program is an opportunity for delegates to *practice* the content they have learned, *apply* their knowledge to unknown situations and *reflect* on how they did.

Pre-conference meetings

Purpose: teach the skills, provide the tools, and prepare for the project at the KYG Conference.

Participants will learn how to work as part of a team, with people they may or may not know, to get the pre-conference objectives completed. The pre-conference meetings are a way for delegates to hone these skills so when they get to the conference, they will be prepared to learn the new skills, practice and apply already learned skills, and work with more people they do not know in a mock trial setting. *Perhaps even more important* than this, they will have an experience that is similar (not necessarily identical) to those of other delegates. Similar experiences will provide a common foundation for all delegates, regardless of geographic, political or other differences.

Learning something new and working with other delegates with different perspectives can be uncomfortable. Pre-conference meetings are a way to help delegates feel comfortable about what will be happening at the conference so they feel safe to experience something new.

The statewide conference in Olympia

Purpose: bring high school students from across the state to share ideas, concerns, and potential solutions to problems; to learn about Washington State government and how to become a positive contributing citizen; and to strengthen the connection between youth and our political and social networks through education, experience, application, and inspiration

A value of 4-H KYG is that it provides the opportunity for our delegates to explore new ideas and perspectives in a safe environment. We encourage delegates with different views to work together, not to change each other's minds, but to learn from each other. Encouraging discussion when people disagree and providing an opportunity to explore the issue in a non-threatening way demonstrates to the delegates that they can disagree on an issue but still work together. Ideally, these discussions will help delegates explore why they carry a certain belief and assist them in putting their own beliefs into practice. Remember, one of the intentional life skills we are focusing on this year is communication.

At the conference this year, each delegate will participate in a mock trial by serving as an attorney, a witness, a juror, or a reporter. Volunteer judges and attorneys will fill the judge roles, conference facilitators will serve as clerks, and chaperones will serve as bailiffs and the courtroom

audience. Each courtroom will have approximately six attorneys (three for each side), six witnesses (three for each side, this includes the defendant), a minimum of twelve jurors, and four reporters. We anticipate filling eight courtrooms and using four different cases. This means more than one courtroom will be hearing the same case. It will be interesting to see how the verdicts compare in the different courtrooms.



Know Your Government 2017

Tentative Conference Agenda

Saturday

- 2:00-4:00 pm Registration
- 3:30-4:45 pm Challenge Activity Part 1
- 4:00-5:00 pm Adult Resource Meeting
- 5:30-7:00 pm Welcome and Dinner, Keynote speaker
- 7:00-7:30 pm Break
- 7:30-8:30 pm Challenge Activity Part 2
(Delegate Group Agreement, AR Group Agreement)
- 8:30-9:15 pm **Session A: Introductions**
- 9:30-10:00 pm County Meetings; Reflection on the day
- 10:30 pm In rooms, quiet

Sunday

- Breakfast on your own
- 8:30-10:30 am **Session B: Receive the Case**
- 10:30-10:45 am Break
- 10:45-12:15 **Session C: Prepare for Trial**
- 12:15-1:00 pm Lunch (boxed lunch)
- 1:00-2:00 pm An appealing walk to the Capitol
- 2:00-4:15 pm Capitol and Temple of Justice tours
- 4:15-7 pm County Night Out
- 7:30-9:00 pm Community Service
- 9:15-10:00 pm County Meetings; Reflection on the day
- 10:30 pm In rooms, quiet

Monday

- Breakfast on your own
- 8:00 am Opening, introductions of guest judges
- 8:30 am Group and transition to courtrooms
- 9:00-11:30 am **Session C: Trials**
- 11:45-12:30 pm Lunch
- 12:45 Group and transition to courtrooms
- 1:00-3:00 pm **Session D: Trials**
- 3:00-3:15 pm Break
- 3:15-4:15 pm **Session E: Jury Deliberation/
Reporters Meet with Attorneys and Witnesses**
- 4:15 pm **Session F: Presentation of verdict**
- 4:30-5:30 pm Preparation for dinner
- 5:30-7:30 pm Legislative dinner
- 8:30-10:00 pm Dance, movie, games
- 10:30-11 pm County Meetings; Reflection on the day
- 11:15 pm In rooms, quiet

Tuesday

- Before 8:30 am Check out of hotel- load cars
- 7:45-8:30 Light breakfast available**
- 8:45-9:45 am Workshop: FBI**
- 10:00-11 am Session G: Sentencing**
- 11:00-11:30 Closing

To Insure a Smooth Beginning . . . Prepare Delegates for KYG Activities



Although many Life Skills are strengthened during the KYG pre-conference and conference, we are **focusing intentionally on critical thinking and communication**. Please share this with your students and take advantage of the many opportunities provided to focus and reflect in these two areas. Remind your students of this throughout the KYG experience. Say things like, “Remember we are going to really work on critical thinking and good communication today during....” or “Today you will have a lot of practice with critical thinking and effective communication,” or “How will you be using critical thinking and effective communication in your roles today?”

Discovery learning. All of the answers cannot be found within this packet and require research on the part of delegates. Assist the students in relating what they are learning through the curriculum to cases going on locally or that are in the media currently. Use the media to explore current cases and trials. Are there any local cases waiting to be heard by the State Supreme Court? What are the latest State Supreme Court decisions and how do they affect delegates? Newspaper clippings are an excellent way to spark group discussion. Ask them, “How is what we talked about today like anything you have seen in the media this week?”

Time for processing and reflecting will be a part of every meeting. For significant learning, members need to question and think through what they have seen and heard, and apply it to other areas of their experiences. We have prepared a series of questions on several topics in the curriculum to challenge the delegates to thinking differently about issues they may have thought about many times. Use these questions to spark a discussion. Attempt to draw youth out of their culture-centralized understanding of issues. To improve the quality of this citizenship experience, ask questions to build bridges to new insights.

Maintain mutual respect. When identifying and debating issues, emphasize the need to talk to others, read about and listen to all opinions, and understand and clarify a personal point of view. Focus on the facts, write down those that support your view, but also look for areas of compromise. *Stress that delegates must rely on facts and avoid adversarial and emotional arguments, which are unproductive and prevent people from working together on solutions to problems.* This will build critical thinking skills, which require developing strategies for analyzing, comparing, reasoning, and reflecting to discover meaning and direction when deciding what to believe or do. Trials are inherently adversarial; there are always two sides in conflict. An important objective of this curriculum is for delegates to communicate effectively. This objective includes listening carefully to what others say; clearly stating thoughts, feelings, and ideas; and settling disagreements in ways that are not hurtful.

Guest Speakers. We strongly suggest scheduling guest speakers that can bring a little more life to this subject. We defer to your experience and the needs of your delegation to plan who to invite and when. The Washington State Bar Association (www.wsba.org) has organizations within each county and there may be attorneys who would be glad to speak on a variety of subjects. In addition, the Administrative Office of the Courts (AOC) website (www.courts.wa.gov/education) has a program named, *Judges in the Classroom*. Simply click on **Request a Judge** and fill out the form. They have assured me that their service is not limited to teachers. AOC has voiced its support of KYG and is eager to provide judges to our county groups. Having an attorney at the preparation for the mock trial meeting and a judge at your mock trial meeting would prove invaluable.

The possibilities are endless and we hope you use this opportunity to let an “expert” share their knowledge with your delegation so they are that more prepared for the conference. Give your speaker an idea of what you want to learn and have each delegate prepare one or two questions for the speaker. After the speaker is gone, lead a discussion on what the members learned and how it applies to this conference.

Another useful tool may be to visit a courtroom to **view a trial or jury selection as a group**. Contact your local courts and explain your needs so they can assist you in finding an appropriate time to visit. It could be easier to plan a visit during a school vacation or teacher in-service day. This visit would probably be helpful after the scripted mock trial (Meeting 3) and before the mock trial (Meeting 4). If you have problems arranging for delegates to see a court in action, have them observe a public hearing or watch the Supreme Court proceedings on TVW (Washington’s version of C-Span) or www.tvw.org as a substitute.

Discuss guidelines for conduct during county presentations by invited speakers, workshop sessions, courtroom visits, and pre-conference county meetings. This goes beyond just the ‘Code of Conduct’. Agree on expected dress, the importance of advance preparation for meetings, appropriate use or non-use of cell phones, and considerate behavior during the activities. County set ground rules will continue at the conference.

Role Playing. Delegates will apply for a role and receive their assignment at the conference. This curriculum requires that each youth place him or herself in the role of attorney, witness, juror, or reporter. Their role may have them perform in a way contrary to their personal beliefs. This internal conflict may happen often in the real world when a defense attorney believes their client to be guilty and they have to defend them. Remind delegates that they will gain more from the experience if they embrace their roles and remember that other delegates are also performing in ways that may be different from their personal beliefs.

Each delegate will arrive at the conference prepared to fill any role because not everyone will necessarily get his or her first choice. Delegates CAN apply for a role and, IF available, MAY be assigned that role. Once at the conference, attorneys and witnesses will receive the case and prepare for the trial while jurors and reporters will discuss the aspects of the jury system and influences on jurors. During jury deliberation, the attorneys and witnesses will be able to discuss the aspects of the jury system and influences on jurors and the reporters will work on their broadcasts. Finally, the reporters will present written and broadcast the verdicts at the General Assembly.

Each courtroom will have a Conference Facilitator (CF) and chaperone assigned to it. They will serve as the Court Clerks and Bailiffs, respectively. The CFs are a team of teen leaders chosen by the KYG Planning committee and trained on the curriculum in order to facilitate the process. In addition, this team of youths and adults will lead the function groups during the sessions not in court.

Community Service: we are taking on two projects this year to serve children and teens in the Foster Care System. More details will be coming.

Web Resources

The Washington Courts website: www.courts.wa.gov is sponsored by the Administrative Office of the Courts. This is where you can download additional copies of: *A Citizen's Guide to Washington Courts* and *A Juror's Guide* (look under Educational Resources). Some delegates may be interested in getting weekly notifications of court decisions or press releases. You can sign up for this service at this site. Look--it has a lot of good information!

Most counties have websites with court information. To find your county's website, you can search the web using a search engine or try [www.co.\(your county\).wa.us](http://www.co.(your county).wa.us). For Thurston County, the address is www.co.thurston.wa.us. Finding your county's website might be helpful when you plan to visit a courtroom to watch a trial or jury selection.

Access Washington (www.access.wa.gov) is the state website and it is a good starting place if you are trying to find anything related to state government. This is where you can find legislative links (www.leg.wa.gov), court links, or links to the agencies in the executive branch, such as the State Patrol or Department of Corrections. Again, a lot of good information!

If your delegates have shown an interest in getting involved in state government, offer the following suggestions to them:

Youth Courts www.youthcourt.net

There are a variety of youth courts around the state that involve volunteers from 8 to 18 years of age in sentencing their peers for crimes, traffic infractions, or school rule violations.

Mock Trial Competitions www.nationalmocktrial.org or www.streetlaw.org

Legislative Page Program www.leg.wa.gov

Page duties are varied. They range from ceremonial tasks such as presenting the flags to operational chores like distributing amendments during legislative sessions. Each job is vital to the efficient operation of the Legislature. As the weeklong experience ends and pages return to their schools and communities, it is hoped that pages will share their experiences and observations with others in an effort to contribute to a universal understanding of the legislative process.

- Once on the Legislative website, click on "Participating in the Process" and then scroll down to "Working in the Legislature." There are separate application processes for the House of Representatives and Senate.

Legislative Youth Advisory Council (LYAC)

Our law-makers in Olympia agree that the distinct needs of young people in Washington must be a priority. The Legislative Youth Advisory Council (LYAC) was created to help legislators address these needs through the direct input of Washington's youth

[County Orientation Meeting Materials](#)

Objectives of County Meetings (When county orientation is complete, delegates will have...)

- ❖ Knowledge of the judicial branch and how it interacts with the other branches of government
- ❖ Understand the organization of the Washington State judicial system
- ❖ Familiarity with the trial processes
- ❖ Skills to perform various roles in the courtroom; experience of participating in a mock trial
- ❖ Awareness of alternatives to the court process to resolve a conflict
- ❖ Awareness of the appeal process
- ❖ Improve the life skills of **Critical Thinking, Communication, and Positive Citizenship**
- ❖ Awareness of what is to take place and how to prepare for the conference in February
- ❖ Knowledge of their legislative district and who represents them in Olympia



Meeting 1:

- Activity 1: **Introductions**
- Activity 2: **Community Building**
- Activity 3: **Overview of KYG Conference; Registration**
- Activity 4: **Overview of County Orientation Meeting**
- Activity 5: **Group Agreement**
- Activity 6: **Three Branches of Government**
- Activity 7: **Interpreting the Law: No Hats in the Classroom**
- Activity 8: **Reflect & Apply**
- Activity 9: **Compliments**

Meeting 2:

- Activity 10: **Review Names and Group Agreement**
- Activity 11: **Community Building**
- Activity 12: **Current Court Events**
- Activity 13: **The Judicial System**
- Activity 14: **The Trial Process**
- Activity 15: **Resolving Conflicts Reflect & Apply**
- Activity 16: **Compliments**

Meeting 3:

- Activity 17: **Welcome and Check In**
- Activity 18: **Community Building**
- Activity 19: **Reality TV?**
- Activity 20: **Speaker**

- Activity 21: **Mock Trials**
- Activity 22: **Roles in a Mock Trial**
- Activity 23: **Scripted Mock Trial**
- Activity 24: **Jury Process**
- Activity 25: **Rules of Evidence & Standard objections**
- Activity 26: **Pick a Trial**
- Activity 27: **Reflect & Apply**
- Activity 28: **Compliments**

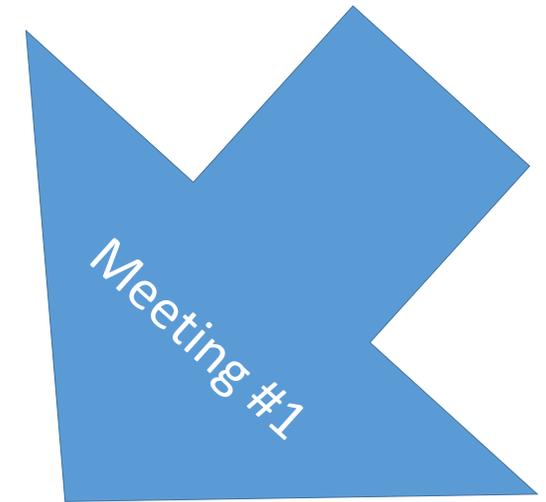
Meeting 4:

- Activity 29: **Community Building**
- Activity 30: **Prepare for Trial**
- Activity 31: **Reflect & Apply**
- Activity 32: **Compliments**

Meeting 5:

- Activity 33: **Community Building**
- Activity 34: **Mock Trial**
- Activity 35: **Reflect - Debrief Mock Trial**
- Activity 36: **What is happening at the Conference?**
- Activity 37: **Apply for Role at Conference**
- Activity 38: **Compliments**
- Activity 39: **Reflect & Apply**

Teambuilding or Community Builders Group Agreement Learning Support: Life Skills, Experiential Education
Content Business Compliments and Appreciations Closing/Reflection



Objectives of Meeting 1

- ❖ Introduce delegates and start building a team
- ❖ Learn about the KYG County meetings and conference in February
- ❖ Build a practical and usable Group Agreement
- ❖ Understanding of the how the branches of government work together
- ❖ Comprehend and describe characteristics inherent in good citizenship
- ❖ Practice communication and critical thinking skills

Prior to Meeting 1

- Following the county promotion of the 4-H Know Your Government program and recruiting of members, pick up a list of participants' names, phone numbers, and e-mail addresses from your County Extension 4-H Educator or Program Assistant.
- Arrange location, times, and dates for all four orientation meetings. Internet access will be necessary for each meeting.
- Review all material in the Coordinator's Packet
- Review all material in the Curriculum Packet, especially Meeting 1
- Know how use **4HOnline** to help your students register for KYG
- Prepare **Group Agreement** format on large easel paper for students to write on and sign.
- Materials needed:
 - Paper and writing utensils
 - Large easel paper and markers
 - **Washington State Constitution** - <http://leg.wa.gov/lawsandagencyrules/pages/constitution.aspx> This is a lengthy document; we suggest bringing it up electronically for the section on the courts.
 - Copies for each student of: **Handout #2 Washington State Government Organizational Guide 2016**
 - Copies for each student of: **Handout #3 State of Washington vs. Eckblad**
 - Copies of the **Branches of Government** by Washington Courts (not in your handout section, but with your packet)

Meeting #1 Activities

Activity 1: *Introductions*

- Welcome students; introduce yourself and other adults who will be working with your county delegation
 - Show this video: https://www.youtube.com/watch?v=ZbZSe6N_BXs (5:44 mins)
Ask: *what person and their action stand out to you?*
 - Have everyone introduce him or herself and share what happiness is to them
- *How can you find happiness and fun through the KYG Program?*

{ *Help everyone learn each other's name
and get connection with the group* }

Activity 2: *Community Building*

Purpose: *to get students more familiar and comfortable with each other*

Introduction: Ask, "Please raise your hand if this is your first time participating in the KYG Program." We all have had a 'first time experience' with something-starting school, taking on a new 4H project, showing an animal, or flying on an airplane to name only a few. Let's go around the circle and have each one share their best effort at remembering a 'first' experience. (*As the AR, you can come up with other alternate 'firsts' that are related to your group or county location.*)

Ideas:

- Your first travel experience.....
- Your first job or chore for which you received money.....
- Your first time to share a hotel bathroom
- Your first
- Your first.....

{ *Although many of the students in you delegation may know each other, it is important that each one feels welcomed, accepted, and is an equal contributing team member. Fun, nonthreatening activities together will strengthen positive relationships.* }

What did you notice? **So what** did you learn about others in our group? Differences and similarities? **Now what** can we do to get to know each other better?

Activity 3: *Overview of the KYG Program*

- Discuss the mission of KYG found on page 2 of this packet. (*you may want to make a copy for each student, or a large copy for all to see*)
- Discuss the objectives for KYG and for this specific conference. The focus of this conference is the judicial system, not just mock trials.
- Delegates will also meet others from around the state.
- Each student will have a role to play in a mock trial
- Discuss briefly the tentative KYG conference agenda.

{ *Delegates who know what to expect at your meetings and the conference are able to contribute in a more confident and meaningful way* }

Activity 4: *Overview of County Orientation Meeting Schedule*

- Decide times, dates, and location of upcoming county meetings.
- Share your county's expectations about attendance.

{ *Attendance is extremely important in the preparation of the delegates for the conference.* }

Activity 5: Group Agreement

Goal: create shared norms

- Each county KYG delegation will create a Group's Agreement. It is a tool that will support the group members in exhibiting positive behaviors, build a sense of belonging and ensure safety and success. It will help prepare delegates to contribute in a more meaningful way and receive more personally, from the experience. All groups MUST establish, understand and uphold their own roles and agreements. The agreement also helps establish boundaries to follow, practice, and become stronger as the group develops.
- Group Agreements describe how group members want to be/ behave as a group. It should answer the following questions, **“What behaviors do we all need to follow to have great experience in KYG?”** **“What do we need to agree to, to work effectively together to reach our goals?”**
- Using the example in the **Handout Section for Meeting #1**, make a larger copy onto easel paper.
- In the **middle circle**, students should list the KYG goals and objectives that were discussed in **Activity 3**
- On the **next circle out**, encourage students to write personal goals for the KYG experience. These may include content they want to master, individual goals including life skills they want to develop, or other achievable outcomes for their delegation.
- On the **lines going out** from the middle circle, encourage youth to identify the behaviors and personal actions that are necessary for each of them to feel safe, share openly, and participate fully through the KYG Program to successfully reach the goals and objectives. You may want students to write these ideas on post-it notes before transferring to the chart. Five to six behaviors are enough and one must include ‘physical/emotional’ safety. These become the standards for the Group Agreement. Once all agreed upon, students and adults sign the agreement, acknowledging they will abide by it.

Bring your County's Group Agreement to the KYG Conference in Olympia for use during county meetings.

Throughout the whole KYG experience, intentionally help students focus on practicing critical thinking and communication life skills

Activity 6: Three Branches of Government

Goal: Learn how the judicial branch interacts with the other two branches of government

- Ask the group to name the three branches of government. (Legislative, Judicial, Executive) Ask them what each branch is responsible for.

The **Legislative Branch** makes the laws, sets the budgets & policies for new laws.

The **Judicial Branch** interprets and evaluates the laws

The **Executive Branch** carries out and enforces the laws.

Explain that the conference will be concentrating on the judicial branch but it is important to understand how the other branches are involved.

The group can make their own diagram on a large sheet of easel paper to refer to in other meetings. Include the duties of each governmental branch as it pertains to the law. Hand out **Branches of Government** by Washington Courts.

Handout #2 Washington State Government Organizational Guide.

Distribute the handout and connect the responsibilities below to it.

Have a copy of the Washington State Constitution so delegates can look at the powers of the different branches. Pieces in Lesson 1 Handout section may also be helpful.

Washington State: Branches of Government

The Washington State Constitution describes the branches of Washington State Government. Like all states, Washington has three branches modeled after the federal government: executive, legislative, and judicial.

- **Executive** - includes the Governor and other elected state officials. These individuals implement the laws passed by the Legislature. The Governor has the power to appoint members of the Judicial branch. Further, bills passed by the Legislature are sent to the Governor to be signed or vetoed.

- **Legislative** - composed of the Senate and the House of Representatives and enacts bills into laws. The Senate has 49 elected members corresponding to the number of legislative districts in the state. The House has 98 elected members, two for each district.
- **Judicial** - composed of the state courts: **Trial court** (Municipal, District and Superior), **Court of Appeals**, and **Supreme Court**. State courts make rulings on the constitutionality and legality surrounding the implementation of a law, as passed by the Legislature and signed by the Governor.

Handout #3 State of Washington vs. Eckblad.

- Have the delegates read the handout aloud and then discuss the following questions:

This case further illustrates how the three branches are involved in a law that affects everyone.

REFLECT & APPLY

- Who can change the law and make it less vague? •*The Legislature*
- Does the Legislature need to wait for a Supreme Court ruling to do this? •*No, they can make a law change now and the Supreme Court decision would not affect the constitutionality of the new law.*
- What happens if the Supreme Court rules the law unconstitutional? •*Police cannot enforce it; it is no longer a state law*
- Why do we have this system of checks and balances? •*A system of checks and balances prevents one branch of government from becoming too powerful. The Constitution provides the framework by which each of the three branches of government--executive, legislative and judicial--can resist encroachments and check the other two branches. For example, Congress limits the president's power by its right to deny a presidential appointment to a federal court or other position. The president limits the power of Congress by his ability to veto legislation, and the Supreme Court limits the power of the other two branches by its ability to declare an action unconstitutional*
- What could happen if there were no checks and balances?
- Name some advantages of checks and balances.
- Can you think of any disadvantages?
- Do you think the system of checks and balances was used, misused, or not used in war situations?
- Is the American system of checks and balances sufficient to prevent a president from becoming a tyrant?
- Name a system of checks and balances within your own life.
- Do the laws in place bring about justice and fairness?
- Can you think of a law that may differ from your personal feelings?

This is an excellent piece regarding our Judicial System: **Fair and Free** <https://vimeo.com/84244168>

Activity 7: *Interpreting the Law: No Hats in the Classroom*

Goal: *critical thinking practice*

1. There is a simple rule of no hats in the classroom. The law seems clear, but some disputes have arisen over the interpretation of the law.
2. Discuss the following questions: *What is the definition of a hat? What is the law designed to do? What is the purpose of the law?*

In each situation below, the teacher has removed the hat of the offender. The students who have lost their hats have filed an appeal with you, a panel of judges in a youth court. How would you interpret the rule to determine whether the rule has been violated in each of the following cases?

- a) A cowboy hat worn on Western Day during Spirit Week
- b) A baseball hat to cover a bad haircut
- c) A head covering worn for religious observance (i.e. a burkha or scarf worn by a Muslim woman or a yarmulke or skull cap worn by a Jewish man)
- d) A stocking cap to keep the head of a chemotherapy patient warm
- e) Birthday hats during a birthday party

REFLECT & APPLY:

- *Does the law creates more difficulties than having no law at all.*
- *Should laws be written in absolute terms, or should laws be flexible to adapt to changing situations. Can they be both?*
Explain to students how judges review laws like this and how they try to determine/interpret the meaning of the law written by the legislature.

Activity 8: *REFLECT & APPLY*

Goal: *this is where the learning happens*

Pair up and answer the following questions:

- *What did you learn today about the branches of government that was new information to you?*
- *How have you seen our State Government at work through any of these branches?*
- *How do you think you will use this information outside of KYG?*
- *Let us talk about the life skills we are improving to do our roles well. (You can model this by also sharing your answers to the following questions.)*
- **What communication skills did you use today?**
 - *What elements of good communication did you see used today in our group?*
 - *How can you use these communication skills for the next three KYG pre-conference meetings?*
 - *How can you practice these same communication skills in other areas of your life? Family? School? 4H Club? Community?*
- **What critical thinking skills did you use during this meeting?**
 - *What new aspects about critical thinking did you see today that could help you in the future?*
 - *How will you use these skills for the next KYG pre-conference meetings?*
 - *What other areas of your life could you/should you practice critical thinking skills?*
 - *How does knowing more about the branches of government and how they work together help make you better citizen*

Activity 9: COMPLIMENTS

Compliments and appreciations reinforce positive events/experiences and build a caring and supportive environment. When chaperones and youth point out what worked well, everyone notices and appreciates group members' strengths. Encouragement fosters behavior that is more positive. Those who are aware of what is going right are more willing to share what they have learned and ideas for future growth. As Adult Resource, you will have to model how this works. Observe what your group, or individuals in your group do well throughout the day or during a meeting. Sincerely share your observations; let them know about their strengths & achievements, both big and small and how they help you & the team.

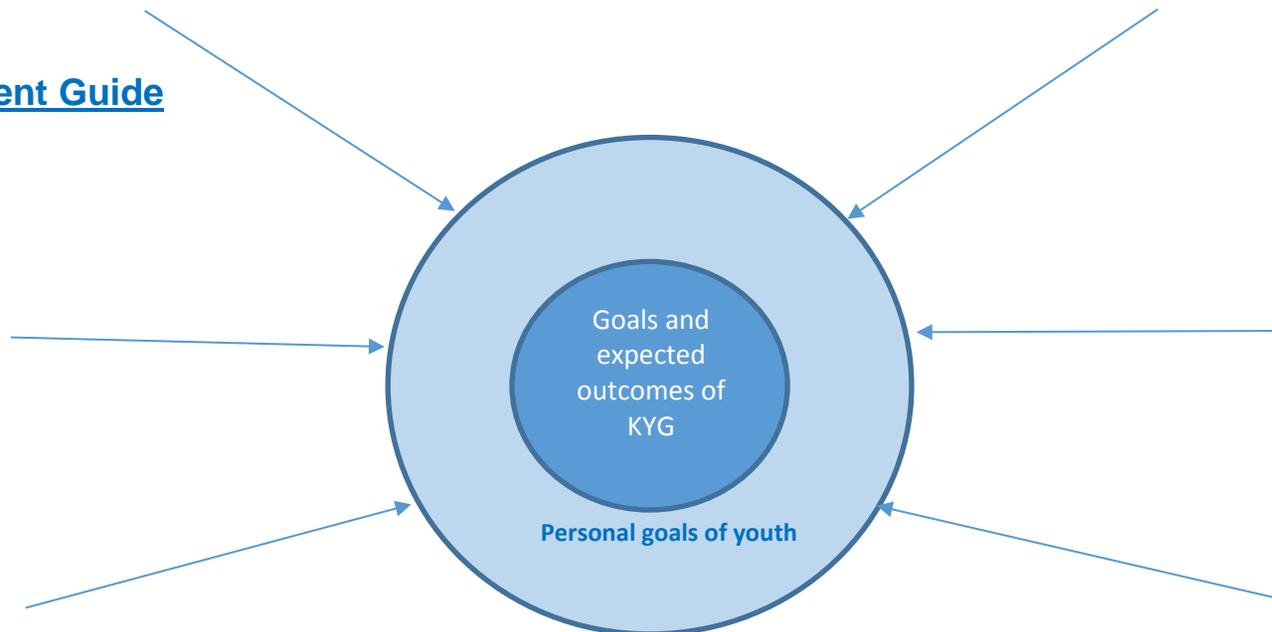
What positive compliments could you (AR) give to the whole group after this first meeting? Be intentional and frame them in both attitudes and action. What happened before or during your meeting, which you appreciated about the group? What did YOU learn from someone in the group?

At the end of Meeting 1

- ❖ Remind everyone of next meeting.
- ❖ Decide how much each person will owe and when it needs to be in to the KYG County Coordinator
- ❖ Remind delegates to complete their registration through **4HOnline**; have them look up their district, representatives, and senator using the library or www.leg.wa.gov. (Don't tell them; let them research and discover for themselves)
- ❖ **Ask delegates to bring newspapers clippings and watch news reports, or find the same on social media regarding current court cases for discussion at the next meeting. Challenge them (or give them extra credit) to find a report of the same court case from two different sources.** *(This helps connect what we are studying to the real world around them)*
- ❖ Remind them to keep improving the critical thinking and communication skills so they are ready for the next meeting.

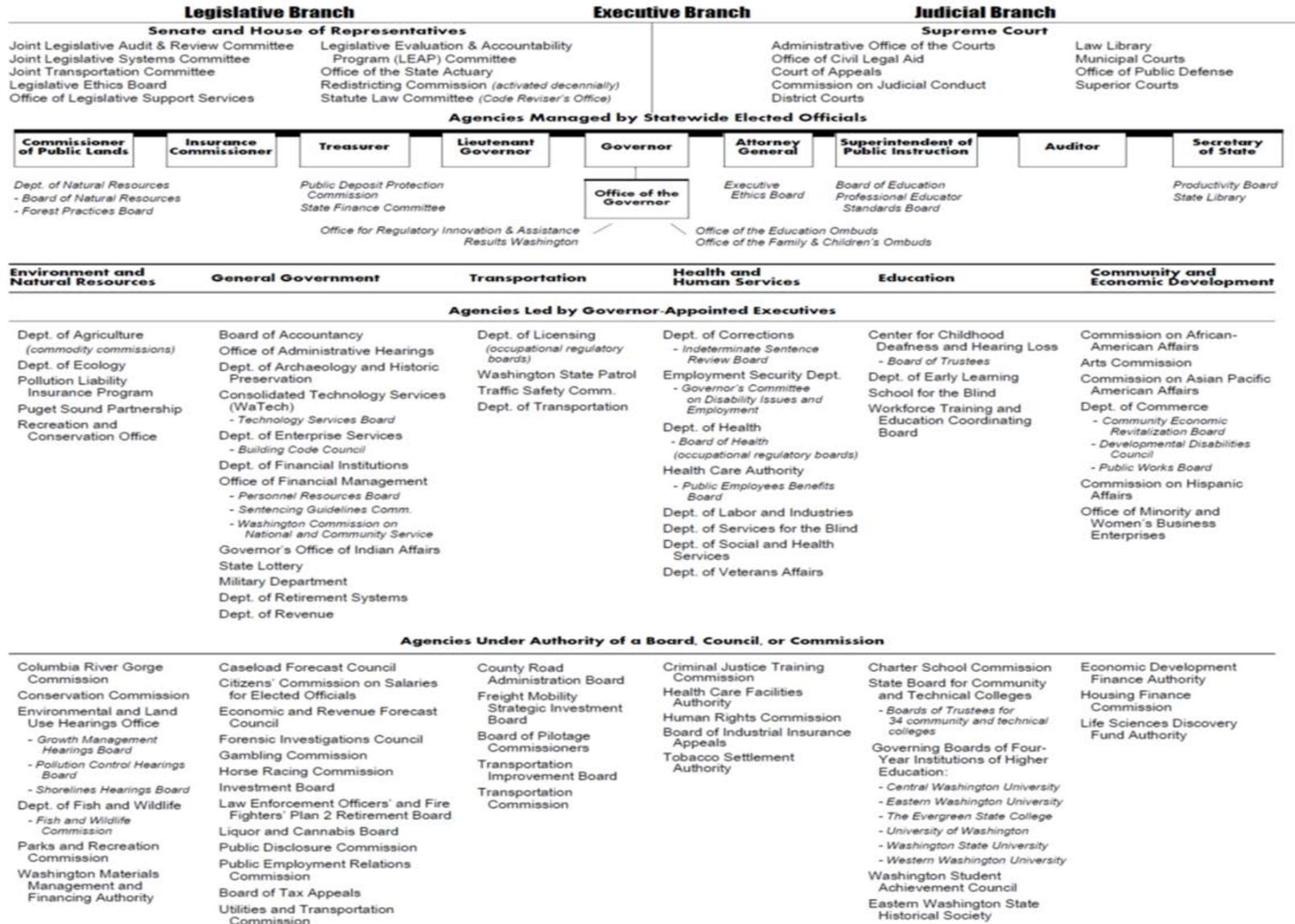
Handouts Meeting #1

HANDOUT #1 Group Agreement Guide





2016 Organization Chart Washington State Government



HANDOUT #3

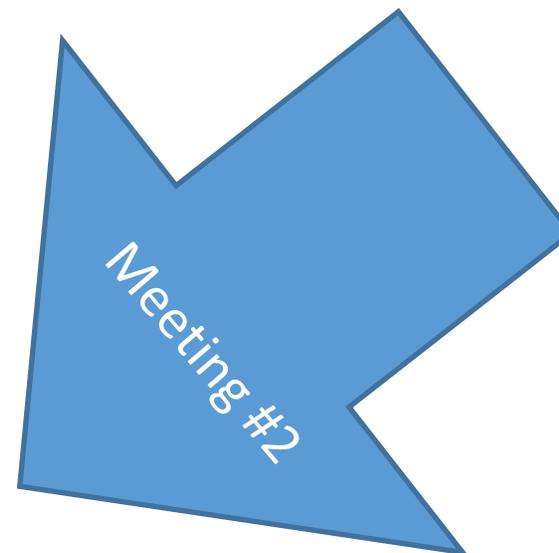
State of Washington vs. Eckblad

Legislature In 2002, the Legislature passed the primary seat belt law, meaning law enforcement could ticket a driver for not wearing a seat belt. Prior to this law change, law enforcement could only cite a driver for not wearing a seat belt if they had also been violating another law, such as, speeding. Because not all vehicles have seat belts (vehicles built before 1968 were not required to have safety belts), the law referred to a federal motor vehicle safety standard to tell citizens whether they were required to wear a seat belt. According to this safety standard, any vehicle built before 1968 was not required to have a safety belt so not anyone driving a car built before 1968 had to wear a seat belt. There were other exceptions to this rule but it only affected a small population.

Executive Beginning July 2002, law enforcement began issuing tickets to non-seat belt wearing drivers and passengers. On February 5, 2003, Trevor Eckblad, 31, of Everett, WA, was arrested by a Washington State Patrol trooper on Highway 20 at the west edge of Concrete. He was one of three passengers in a 1982 pickup truck stopped because another passenger (not Mr. Eckblad) was not wearing a seat belt. According to court documents, during this traffic stop, the smell of marijuana and alcohol led the trooper and a Concrete police officer to search the truck. The officers found drugs and a handgun allegedly belonging to Eckblad, who as a convicted felon, is not permitted to have a gun.

Judicial Mr. Eckblad's case came up in Skagit County Superior Court. While he was not given a seat belt ticket, his attorney argued that the law permitting the seat belt stop was unconstitutional. Under RCW 46.61.688, the determination of whether a person is required to wear a seat belt is solely conditioned on the type of vehicle in which he or she is riding. However, when reading RCW 46.61.688, one cannot figure out whether one's vehicle is one in which passengers are required to be belted because the standard the law adopts (Federal Motor Vehicle Safety Standard 208) cannot be readily located and, if found, cannot be understood by the public.

Without the probable cause the primary seat belt law afforded them, troopers would not have stopped the truck and therefore, would not have had probable cause to search the vehicle and would not have found the gun. Eckblad filed a motion to suppress evidence with the trial court, alleging that the stop was unconstitutional. The trial court granted the motion and held that RCW 46.61.688 was unconstitutional and void because the law as written was vague. The state appealed this decision to the Washington State Supreme Court and presented oral arguments on May 18, 2004 and court presented their decision October 2004. They disagreed with the trial judge and decided the law was not vague.



Objectives of Meeting 2

- ❖ Familiarity with the organization of Washington State Courts
- ❖ Understand the different types of cases
- ❖ Learn about the five different Washington State Courts and their jurisdictions
- ❖ Learn about the trial processes
- ❖ Gain knowledge of alternative dispute resolutions
- ❖ Practice communication and critical thinking skills

Prior to Meeting 2

- Review Meeting 2 material in the Curriculum Packet
- Materials needed:
 - **Media reports of current court cases- could be print, video, or internet based**
 - Large easel paper and felt pens
 - Easel Paper with three columns on it labeled Green light, Yellow Light and Red Light, for **Activity 10**
 - Easel Paper with 'sentence starters' written on if for **Activity 16**
 - Make copies of:
 - **A Guide to Washington Courts** – <https://www.courts.wa.gov/newsinfo/content/pdf/CourtGuide2011.pdf> One will be in your KYG packet and you will need to decide how many more copies. It is worth the time to let your students explore the Washington State Judicial system.
 - **Handouts #4, #6, #7, #8, #9, #11, #12** (one for each student)
 - **The Juror's Guide**; One will be in your KYG packet; make a copy for each student.
 - One copy of **Handout #16** to cut into pieces for activity.

Meeting 2 Activities

Activity 10: Review Names and Group Agreement

Goal: set the atmosphere of 'community' and team.

- *How do you feel about our group agreement? Is there anything we forgot? Is there anything you would like to change on it?*

Post a piece of easel paper and draw three columns labeled **Green Light**, **Yellow Light**, and **Red Light**. In the **Green Light** column students, list the pieces of their Group Agreement that they feel they are doing well. In the **Yellow Light** column students list the things that they would like to continue doing from their Group

Agreement with modifications. In the **Red Light** column students, list the things they feel are not needed in their Group Agreement. Discuss why their group agreement changed or needed revision.

Activity 11: Community Building

Ask the group to stand in a circle. *Explain you are going to ask some questions that will help members get to know each other a little better. Say: With each question, step into the circle if the question/statement applies to you.* After some of the questions, ask the group to divide into groups of two or three and discuss the two questions highlighted in gray. At the end, bring the whole group into one circle. Ask individuals to share something interesting about his/her participation in the activity/experience, or if there was someone's answer they would like to hear more about.

Sample questions that may be used:

1. *You are a Native of this state (e.g. Washington).*
2. *You can roll your tongue.*
3. *You have gone without a shower for over 1 week....*
4. *You have eaten frogs' legs.*
5. *You have both a brother and a sister.*
6. *Your favorite season is Winter, Spring, Summer or Fall?*
7. *Are you more interested in vacationing in the mountains or the ocean?*
8. *Have you traveled on three or more continents?*
9. *Have you ridden on a horse? A sheep? A pig?*
10. *Have you broken a bone in your body?*
11. *You have had an experience with mock trials.*
12. *You want to be a lawyer role in the KYG mock trial.*
13. *You do not want to be a lawyer in the KYG mock Trial.*

Activity 12: Current Court Cases

Discuss the current court news reports the students found since the last meeting. Show the ones you had gathered as well.

Reflection Questions:

- *What did you learn about media and reporting of court cases?*
- *How were the reports different between different media sources?*
- *What information did you want to know that they did not tell you?*
- *If you were a reporter, how would you do things differently?*
- *Why do you think the reporter did not do these things?*
- *Do you feel different media sources put limits on the reporter?*
- *How can the media influence court proceedings? Is this acceptable?*

Activity 13: The Judicial System

1. **Introduce the concept of court:** Ask students what they know about courts. Brainstorm and list on easel paper all the words that students come up with; for example, judge, jury, lawyers, crimes, cases, etc.
Explain to students that there are two kinds of courts: **trial courts and appeals courts.**
2. **Give students an example to which they might relate.** Let us say Suzi is taking care of her younger brother and sister. The two disagree about who owns a particular soccer ball. One wants to take the soccer ball to soccer practice, but the other says it belongs to him and that he needs it. They both tell the Suzi their side of the story. The brother brings in a neighbor who says the soccer ball definitely belongs to him. Suzi decides that it belongs to the brother. The younger sister is unhappy with Suzi's decision and want a higher authority to review the decision, and hopefully agree with her that the ball belongs to her. Whom would she ask? Probably a parent or guardian. This is what we mean by an appeal—**that you ask a person with higher authority to review the decision that another person has made.**
3. **Explain that in a very broad way** this is very much like what courts do. Trial courts are places where people bring conflicts or problems for a solution. The judge (and jury) listens to witnesses and evidence and makes a decision. If a person is unhappy with that decision, he or she can ask a court with authority over that court to review the decision. This is an appeal.
4. **iCivics Judicial Branch Video** <https://www.youtube.com/watch?v=lkBkc2Fxe3I&feature=youtu.be> (6 minutes)
5. Handout the "[A Guide to Washington State Courts](#)" Have students break into groups to study the differences between the two types of cases: civil, and criminal. Report their findings back to the group.
6. **Handout #4** Ask students to review the summary of the two type of court cases and then complete and answer 'true' or 'false' to the questions.
7. **Ask** your students, "What are the five courts in Washington State?" (Use [Handout #7](#) as a reference)
 - *Washington State Supreme Court, the Washington State Court of Appeals, superior courts, district courts and municipal courts.*

Optional: (Of special interest) Inform students that there are also tribal courts within the state.

- **Ask** how many tribes are recognized by the federal government within Washington? • *Within the boundaries of Washington State, there are 29 federally recognized Native American Indian tribes, several not federally recognized tribes, and several reservations*

"Native American tribes possess inherent sovereignty. Tribal sovereignty includes the right to self-govern, to manage tribal lands and natural resources, and to operate tribal economic industries and corporations. Tribes and tribal sovereignty existed before the formation of the United States. When the U.S. government was formed, it created a government-to-government relationship with tribes, a status which persists. The federal government creates federal Indian policy, and tribal self-determination has been the guiding policy since 1975.

"Claim Your Jurisdiction Game"

Write the word **"Jurisdiction"** on a large piece of easel paper. Explain that this word is from Latin, "to say the law."

- What does this word mean in regards to the judicial system? • *When a court has jurisdiction of a case, that court has the power to hear that case. Original jurisdiction is the authority to consider and decide cases when the case is first filed, as distinguished from appellate jurisdiction, which reviews decisions that have been decided by a lower court.*
- Who defines the jurisdiction of the federal courts? • *The Constitution and by Congress.*
- Who defines the jurisdiction of the state courts? • *The Washington State Constitution, the state legislature, and municipalities.*

The **4-H Know Your Government Program** is about Washington State government; therefore, we will be looking only at the Washington State Courts.

Divide your group into 5 smaller groups. Assign one court to each group

- Washington State Supreme Court
- Washington State Court of Appeal
- Superior Courts (State)
- District Courts (State)
- Municipal Courts

Each group will take one of the five courts mentioned above and do research from *A Guide to Washington State Courts* and answer the following questions:

- What is the _____ Court's jurisdiction and what kinds of cases can it decide?
- Does it have original jurisdiction over any cases? Can it hear appeals? Does it have discretion about which cases it will hear?
- Give an example of a case the _____ Court has heard or could hear.

Now the game begins. As you read a case scenario, (**Handout #5**) each court group will caucus and decide if their court has jurisdiction to hear that case. After one minute, ask the groups to hold up their signs either Claim or Do Not Claim jurisdiction of the case. **Handouts #6** (make a copy for each team and have them fold it in half so CLAIM is on one side and DO NOT CLAIM is on the other side)

Scoring: Teams get three points for correctly claiming jurisdiction, three points for correctly not claiming jurisdiction and minus three points for incorrectly claiming or not claiming jurisdiction.

Have one of your Adult Resources keep track of team scores on a large easel. Give students **Handout #7 and #8** to confirm their answers.

Optional Challenge: (save the last four questions for this piece) give different groups another court and keep playing. This will not be a court they have researched, but hopefully they will pick up information from the other teams. Continue keeping score in the same way.

Identify the winning team and have a GREAT prize ready for them 😊

OPTIONAL: If your group is interested in understanding how the US Federal Courts work, watch: <https://www.youtube.com/watch?v=17qJBQPMqLc> (9 minutes)

Activity 14: The Trial Process

- **The Trial Process:** Hand out “**Overview of the Trial Process**” [Handout #9](#). Assign different students, or groups of students, to ‘teach’ a section. This would be five groups if you put [The Process/The Facts of the Case](#) as one group, [The Defense/Preparation for the Trial](#) as one group.
 - Worksheet for the **Trial Process** [Handout #10](#). The questions are on cards; students draw one and answers it.
- **Steps in a Trial- Worksheet** [Handout #11](#). Tell students that their next task is to put the steps in a trial in order, as they deem appropriate. Tell them they have three minutes to work independently on the steps. Explain that once they have put the steps in order, they should compare their answers with a person sitting next to them or as a group ask individual students to share what they have put first, second, third, etc. and describe what they think happens at each step.
- Give students [Handout #12 Steps in a Trial- Overview](#); students compare their answers to the correct order. Give the students a few minutes to review. Ask if there are any further questions regarding the trial process.

Activity 15: Resolving Conflicts

Explain to students that they will experience two different methods of resolving disputes: the [adversary process of the trial](#) and the [mediation process](#), which takes place in neighborhood justice centers in communities throughout the country. Divide the class into groups.

CASE 1:

Plaintiff: Cecil Jackson

Defendant: Sarah Miller

Sarah miller moved into a house next door to Cecil Jackson, a retired man who spends his time landscaping his yard. Mr. Jackson had grown an eight-foot hedge between the two houses. According to Sarah, the hedge blocked her view of the street when she backed out of the driveway, so she asked Mr. Jackson to trim it. After several weeks with no response from Mr. Jackson, Sarah cut down the hedge because she believed it to be a danger to her. Mr. Jackson is furious and wants Sarah to replace the hedge at a cost of \$735.

Adversary model Explain that the groups will first role-play the case using the Adversary Model.

One person in each group should play the plaintiff, a second the defendant, and a third the judge.

- **Explain the court procedure as follows:**
 1. Judge asks the plaintiff to give his or her side of the story.
 2. Defendant then gives his or her side of the story.
 3. Judge can ask questions, during and/or after hearing from the parties.
 4. Judge makes a decision and delivers it.
- Conduct simultaneous role-plays. These should take about 10 minutes.
- With the entire group- **REFLECT**
 - *Was the role of judge difficult? What did each person like or dislike about being a judge?*
 - *Did the plaintiff and defendant think they were treated fairly? How did they feel about the judge’s decision?*
 - *What would the impact of the judge’s decision be on the ongoing relationship between the plaintiff and defendant?*

Mediation in Action Explain that students will next mediate the same case. Allow at least 15 minutes for this role-play.

The judge will become the mediator, and the plaintiff and defendant will now be called the disputants.

- Have the plaintiff and defendant switch roles from the role-play. Explain that the mediator does not make a decision in the case. His/her role is to help the disputants reach an agreement.
- **The procedure is as follows:**
 1. The mediator explains that in mediation the two parties will make their own agreement. They must not interrupt each other. If the need arises, the mediator will talk to each party separately.
 2. The mediator asks each disputant to define the problem as he or she sees it and express feelings about it.
 3. Each disputant defines the problem and expresses feelings about it.
 4. The mediator restates the views of both disputants. The mediator asks questions to clarify issues.
 5. The mediator asks disputant #1 if he or she has a proposed solution for the problem. The mediator then asks disputant #2 if he or she agrees. If not, the mediator asks disputant #2 for a proposed solution and asks disputant #1 if he or she agrees.
 6. If there is an agreement, the mediator restates the agreement to make sure both disputants approve.
 7. If no agreement is reached, the mediator talks to each disputant separately, asking each how he or she is willing to solve the problem. Then the mediator brings them together and asks them to offer their solutions. If agreement is reached, the mediator will restate it to make sure both disputants approve.

Making Comparisons With the entire group- **REFLECT**

- *How did being a mediator compare with being a judge? Was it easier or more difficult?*
- *Did disputants think they were treated fairly? How did they feel about the process?*
- *Was a solution reached? How did it compare to the judge's decision?*
- *What will be the impact of the mediation process on the ongoing relationship of the disputants?*
- *What are the advantages and disadvantages of each method of dispute resolution? What kinds of conflicts are best suited for each method?*

Source: Article by Melinda Smith in Update on Law-Related Education, Winter 1986, updated in 2002.

As **Handout #8** explained, a trial is one way to settle disputes. However, going to court usually is the last resort. People can try to work out their disputes in other positive, effective ways.

Three common ways of settling disputes without going to court are:

(1) **Arbitration** -- a third party, called an arbitrator, hears the complaints and makes a decision that the parties have agreed in advance to abide by (follow). This is a process less formal than a trial.

(2) **Mediation** -- the parties talk with the help of a third person, called a mediator, who helps them find a compromise or a common ground on which they can agree to a solution

(3) **Negotiation** -- the parties talk face to face and try to settle the conflict or reach an agreement

When these methods fail, parties in dispute sometimes go to trial to find a solution. This way of settling disputes is **litigation**; litigation is when one party files a lawsuit against another person and they have a trial in court to resolve the dispute.

Pair up and answer the following questions: REFLECT

- *What are the advantages of utilizing one of these ways to settle a dispute rather than going to a court trial?*
- *What would be the challenge of each of these ways to settle a dispute?*
- *Have you seen one of these methods used to settle a dispute or reach an agreement? Explain.*
- *Have you personally ever used one of these ways to settle a conflict or reach an agreement? Explain.*
- *What skills do you think a mediator would need to successfully assist the parties to a resolution?*

- When might arbitration be a better tool than mediation?
- What are the advantages and disadvantages of negotiation?
- Explain when you have used negotiation and the outcome.
- What conflicts at school might benefit from using one of these three methods to settle disputes?
- What did you learn today about the judicial process?
- How do you think you will use this information outside of KYG?
- How is the trial process similar to how you use critical thinking skills in other areas of your life?

*Ask students if one particular question and/or answer made them think in a new or different way.

Activity 16: Compliments

Part of our time together will be spent on teambuilding. To become aware of what we do for the group that helps us get along and have a great KYG experience. One way to do that is to share compliments on things you appreciate about the group or individuals within the group. I'll start and then we can go around the circle.

Sentence Starters:

I appreciated that the group _____

I appreciated that when _____ happened, the group _____.

The group did _____ well.

{ Posting these compliment sentence starters can help students get going. }

At the end of Meeting 2

- ❖ Remind delegates about date and location of your next meeting.
- ❖ Take a photo of your KYG delegation and send to Jessica Laughery at: jessica.laughery@gmail.com **This is due no later than January 6th, 2017.**
- ❖ **Decide on a potential speaker for next meeting.** Ask a student to volunteer to contact the speaker and arrange their visit. Have delegates prepare questions about the speaker's job before his/her arrival.
- ❖ **Assignment: IMPORTANT!** Ask delegates to watch a variety of court television programs or courtroom movies. Have the delegates observe and be ready to discuss how legal and court systems are portrayed on T.V. programs or in the movies. Consider the following questions when watching:
 - What types of crimes are shown most often – felonies, misdemeanors, or traffic cases? How does that reflect reality?
 - Are the people connected with the legal system shown more often as "good guys" or "bad guys"?
 - Compare the courts shown on "Law and Order," "Judge Judy," "People's Court," "The Jury," "A Civil Action," "Twelve Angry Men," "To Kill a Mockingbird," "A Few Good Men," "Philadelphia," "The Firm," "A Time to Kill," etc.
 - Have them compare these shows to the Supreme Court proceedings on TVW or www.tvw.org. Bring their findings to your next meeting.

Meeting #2 Handouts

HANDOUT #4



Trial Court

- One judge conducts the trial
- Jury or a single judge decides the case
- Lawyers present evidence
- Witnesses swear to tell the truth and answer questions from lawyers
- Is the first court to decide who should win in a dispute
- Is the first court to decide whether or not the defendant is guilty.

Appeals Court

- A panel of several judges listens and decides the case.
- Hears cases that have been decided in a lower court
- No evidence is presented.
- Lawyers only make arguments.
- Gives its decisions in a written opinion.
- Their decisions must be followed by all the trial courts that are under them.



Trial court or appeals court?

Circle T for trial court and circle A for appeals court

a) T A

Lily testifies that the bank robber wore a mask.

b) T A

A group of judges listen to the lawyers argue.

c) T A

The jury decides that it was the stores fault that Kahn got hurt.

d) T A

Terry asks the court to set aside his death sentence

e) T A

Ms. Nguyen, the attorney, argues to the judges that her client should win the case.

f) T A

Issues a written opinion that the school violated JoJo's rights.

g) T A

The bailiff swears in the witness.

h) T A

The gun used in the robbery is admitted as evidence.

i) T A

Writes its decision that the judge made a mistake in the case.

From the Washington Courts Webpage

Answer sheet for Handout #4

Trial court or appeals court?

{ As you go through the answers, ask the students the reason behind their answer- before you tell them. }

- a) **Lily testifies that the bank robber wore a mask.** Trial court because only trial courts have witnesses who testify.
- b) **A group of judges listen to the lawyers argue.** Appeals court because trial courts have a single judge and appellate courts have a panel of judges.
- c) **The jury decides that it was the store's fault that Khahn got hurt.** Trial court because juries only operate in trial courts.
- d) **Terry asks the court to set aside his death sentence.** Appeals court because Terry is asking to have the sentence, imposed at the lower court, set aside.
- e) **Ms. Nguyen, the attorney, argues to the judges that her client should win the case.** Appeals court because there is more than one judge deciding the case.
- f) **Issues a written opinion that the school violated JoJo's rights.** Appeals court because only appellate judges issue written opinions.
- g) **The bailiff swears in the witness.** Trial court because only trial courts have witnesses.
- h) **The gun used in the robbery is admitted as evidence.** Trial court because only trial courts have evidence admitted.
- i) **Writes its decision that the judge made a mistake in the case.** Appeals court because only appellate courts issue written decisions.

HANDOUT #5 (For leader only)

Scenarios and Answers "Claim Your Jurisdiction Game"

- A. Martha shoots and kills her husband in Washington State. The State Prosecutor brings charges in which court?
Answer: **Superior court.** Since the State Prosecutor is bringing the charges, the case is in a Washington court that hears felonies.
- B. Larry's property owner refused to return his damage deposit of \$450 when Larry moves out of this apartment, even though the apartment is in excellent condition. Larry wants to sue his property owner, but does not want to hire a lawyer. In which court can Larry file suit?
Answer: **District court** (Small claims division). Landlord-tenant issues are state issues and when the amount in question is less than \$5000, the case would go to small claims, a division of district court.
- C. Frank has been convicted of murder in superior court and his sentence is the death penalty. He appeals his case to which court?
Answer: **Washington State Supreme Court.** Generally, appeals from state superior courts go to the Court of Appeals for the division that that specific superior court is in. However, because the most serious penalty, the death penalty, has been ordered, the case will skip the Court of Appeals and go directly to the State Supreme Court.
- D. Martha appeals her conviction in superior court for murder, in the second degree, to which court?

Answer: **Washington State Court of Appeals**. This is the normal appeals route in the state court.

E. Kelly is cited for her disruptive behavior on a city bus. Which court will hear her case?

Answer: **Municipal court**. Her citation was issued within a city, so that the city court, the municipal court, will hear her case.

F. Yolanda was in a car accident in which she injured her neck. She sues the driver of the other car for \$80,000 in which court?

Answer: **Superior court**. Civil cases in which the amount is \$75,000 or greater must be brought in superior court.

G. Regina is charged with a misdemeanor of fourth degree assault in which court?

Answer: **District court or municipal court**. Both district and municipal courts have jurisdiction over misdemeanors. Depending upon where the assault occurred, it will be brought as a case in district or municipal court.

H. Arnold was convicted of burglary in the first degree by a jury in superior court. He appeals his conviction to which court?

Answer: **Washington State Court of Appeals**. This is the normal appeals route for state convictions in superior court.

I. Jessie is arrested for driving while intoxicated within the city limits of a large city. In which court is he charged?

Answer: **Municipal court or district court**. Generally, if arrested within the city limits, the case will go to municipal court.

J. The State Court of Appeals overturns Austin's conviction for selling drugs, based on an illegal search & seizure. The state asks which court to review the decision?

Answer: **Washington State Supreme Court**. The next level of review is with the Washington State Supreme Court; however, it is a discretionary court of review and does not have to hear the case.

K. Yanya is cited for sitting on the sidewalk in violation of a local ordinance. In which court will her case be tried?

Answer: **Municipal Court**. This is a violation of a local ordinance passed by a municipality, so her violation will be in municipal court.

L. Teddy, who is 14, is charged with theft in which court? Answer: **Superior court (juvenile division)**. Juveniles are generally tried in a division of the superior court, called the juvenile division. Some juvenile cases because of the age and seriousness of the offense may be tried as adults in the regular superior court.

Claim

**Do Not
Claim**

Washington Court System

THE WASHINGTON STATE SUPREME COURT

Six-year terms, staggered

~Appeals from the Court of Appeals

~Administers state court system

COURT OF APPEALS

Six-year terms, staggered

Division I, Seattle; Division II, Tacoma, Division III, Spokane

Appeals from lower courts, except those in jurisdiction of the Supreme Court.

SUPERIOR COURT

Four-year terms

~Civil matters

~Felony criminal cases

~Appeals from courts of limited jurisdiction

~Domestic relations

~Juvenile matters

COURTS OF LIMITED JURISDICTION

Four-year terms

District and Municipal Courts

~Misdemeanor criminal cases

~Domestic violence protection orders

~Small claims up to \$5,000, only in District Court

~Traffic, non-traffic, and parking infractions

~Civil actions of \$75,000 or less, in District Court and Municipal Court in communities of 400,000 or more.

HANDOUT #8

<p>Washington State Supreme Court</p>	<p>Original jurisdiction over petitions against state officers, review decisions of lower courts if more than \$200 involved (no dollar limit if case involves legality of tax or validity of a statute). Direct review of certain trial court decisions as well as all death penalty cases. Review of court of appeals decisions.</p>	<p>Original jurisdiction (petitions against state officers). Appeals. Discretionary review of court of appeals decisions.</p>	<p>Overturing trial court’s imposition of the death penalty. Discretionary review of criminal conviction affirmed at the court of appeals.</p>
<p>Washington State Court of Appeals</p>	<p>All types of civil and criminal cases.</p>	<p>Appeals from superior court.</p>	<p>Affirming conviction for drug charges in superior court; reversing decision of trial court that defendant is liable for damages caused in automobile accident.</p>
<p>Superior Courts</p>	<p>All types of civil and criminal cases, including juvenile cases.</p>	<p>Original jurisdiction. Appeals from district courts.</p>	<p>Convicting defendant of sexual offense. Confirming small claims court finding that landlord owed tenant money.</p>
<p>District Court</p>	<p>Criminal jurisdiction over misdemeanors, gross misdemeanors, and criminal traffic cases. Can hold preliminary hearings for felony cases. Civil jurisdiction when injury is less than \$75,000. Jurisdiction over traffic and non-traffic infractions, domestic violence and anti-harassment orders, no contact orders, change of name petitions, and lien foreclosures. Small claims division jurisdiction for up to \$5,000 in damages.</p>	<p>Original jurisdiction.</p>	<p>Convicting a defendant of driving under the influence. Ordering car dealership to pay \$25,000 to car purchaser in a fraud case.</p>
<p>Municipal Courts</p>	<p>Municipal courts hear misdemeanors and gross misdemeanors, violations of city or municipal ordinances, with ability to fine defendants up to \$5,000, a year in jail, or both. The violation must have occurred within the city. Can order anti-harassment protection orders if there is a local court rule. Municipal courts with populations over 400,000 may be given jurisdiction over additional types of cases by their local city.</p>	<p>Original jurisdiction</p>	<p>Finding defendant liable for littering on the sidewalk in violation of municipal ordinance. Finding defendant liable for leaving a child under five unattended in a vehicle. Finding a defendant liable for driving under the influence in the city.</p>

Overview of the Trial Process

The Purpose

The United States declared its independence from England over 200 years ago. At that time, Americans said every person has a free and equal opportunity to pursue life, liberty, and happiness. Sometimes one person's pursuit of happiness interferes with that of another person. To help with the conflicts this interference can cause, the citizens of this country agreed to certain guidelines for their behavior. These guidelines are what make up our system of laws.

The reasons for conflicts between persons vary. A person might not know or understand the law. A person might choose to deliberately break a law. Laws do not cover every possible situation. Sometimes one individual comes into conflict with another individual. Sometimes the conflict is between an individual and the government. At other times, an individual may offend the general will of the people.

These disputes need to be settled in a way that fits the democratic principles of our society. The resolution might be stating the rights of both parties; determining guilt or innocence; directing one person to make up for harming another; or imposing a fine or sentence as punishment for breaking the law.

This system followed by courts to try cases is called the **adversary system** or **process**. In this procedure, there are two different sides who turn to a third, impartial party. This means that two or more persons who are in conflict present their arguments and evidence before a third party who is not involved in the dispute. This third party makes a decision. The third party can be a judge only or a judge and a jury. The job of the judge or jury is to be the trier of fact.

The Parties

A trial revolves around an argument involving two or more people. The people who bring their argument to trial are called the parties to the case. **In a civil trial**, one person is complaining about something another person did or failed to do. The person who does the complaining is called the **plaintiff**. The person he/she is complaining about is called the **defendant**. **In a criminal trial**, a person is accused of a particular act which the law calls a crime, such as murder or robbery. The person who does the accusing is called the **prosecutor**. The prosecutor speaks on behalf of the **government**, which represents the people of the state or nation. The person accused of the crime is called the **defendant**. Usually both parties will hire lawyers and instruct them to prepare the case and make arguments for them in court.

The Facts of the Case

Long before the trial actually happens, some argument or incident occurred. The argument or incident involves many facts, which together make up the case. Persons on opposite sides of a case often will view facts quite differently. This disagreement over the facts forms the basis for what is to be decided at trial. In a trial, the parties present their differing versions of the facts before an impartial trier of fact, a judge or a jury. The job of the judge or jury is to decide which facts are correct.

The Evidence

The judge or jury often needs more information than just the stories of each party. In a trial, the attorneys for each side present all of the factual information they can gather to support their side of the case. This information is called evidence.

Evidence may take several forms including:

Testimony: a person, called a witness, tells the court what he/she saw, heard, did, or experienced in relation to the incident in question

Documents: letters, notes, deeds, bills, receipts, etc. that provide information about the case

Physical Evidence: articles such as weapons, drugs, clothing, etc. that can provide clues to the facts

Expert Testimony: a professional person, someone not involved in the incident, who can give medical, scientific, or other instruction to the judge or jury to help decide the case.

The Burden of Proof

There is a law of evidence or a rule called the **burden of proof**. The burden of proof is the obligation or necessity to prove the facts that are in dispute at a trial. In a civil case, the person doing the complaining (the plaintiff) has the burden of proof. This means he/she must convince the judge or jury that the facts are correct by a preponderance of the evidence, meaning their evidence is slightly more convincing than the evidence of the defendant. This means that at least 51 percent of the evidence supports the plaintiff's side. **In a criminal case**, the burden of proof is much stricter, because the defendant may go to prison if found guilty. Therefore, the prosecutor must convince the judge or jury beyond a reasonable doubt that the accused committed the crime. Some say this means the judge or jury must be at least 95 percent sure that the prosecutor is correct.

The Defense

The complaining or accusing parties (the plaintiff or prosecutor) usually have the burden of proving their particular version of the facts. The job of the defense team is to present evidence which prevents them from meeting the burden of proof. Defense evidence should explain, disprove or discredit the evidence presented by the other part.

In criminal cases, defendants try to discredit the evidence in a variety of ways:

- presenting evidence to show the defendant was not present at the scene of the crime (called an **alibi**).
- showing that the defendant was acting to protect himself/herself (**self-defense**).
- presenting evidence showing that the defendant was mentally deranged at the time of the crime (**insanity defense**).

Preparation for the Trial

Attorneys are responsible for collecting all the evidence that supports the side of the case they are representing and for deciding how to use that evidence at the trial. In general, there should not be any surprises at the trial. Opposing attorneys must let each other know what evidence they have collected. This makes sure the trial is fair.

HANDOUT #10

<p>What is the purpose of a trial?</p>	<p>How does the "burden of proof" differ in a criminal case?</p>
<p>Describe at least one alternative to the trial process.</p>	<p>How has the 'burden of proof' in most cases?</p>
<p>List three kinds of evidence and tell the difference.</p>	<p>Name the parties to a case in a civil trial.</p>
<p>Explain the "burden of proof" rule for a civil case.</p>	<p>Name the parties to a case in a criminal trial.</p>

Steps in a Trial - Worksheet

Place the following steps (letters "a" through "n") in a trial in order next to the numbers.

ORDER	STEPS IN A TRIAL
1. _____	A. Closing argument by the plaintiff's attorney or prosecutor
2. _____	B. Opening argument by the plaintiff's attorney or prosecutor
3. _____	C. Closing argument by defendant's attorney
4. _____	D. Opening argument by defendant's attorney
5. _____	E. Cross examination of plaintiff's or prosecutor's witnesses
6. _____	F. Direct examination of plaintiff's or prosecutor's witnesses
7. _____	G. Cross examination of defendant's witnesses
8. _____	H. Direct examination of defendant's witnesses
9. _____	I. Opening of the court
10. _____	J. Verdict
11. _____	K. Rebuttal argument by plaintiff's attorney or prosecutor
12. _____	L. Swearing in of the jury
13. _____	M. Deliberations by the jury
14. _____	N. Judge's final instructions to the jury

Steps In A Trial – Answers

ORDERED STEPS IN A TRIAL

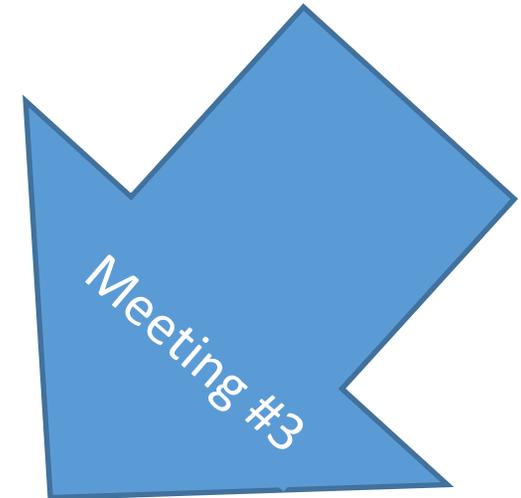
1. i
2. l
3. b
4. d
5. f
6. e
7. h
8. g
9. n
10. a
11. c
12. k
13. m
14. j

***Cover when you make copies for your students.**

Steps in a Trial - Overview

1. **Opening of the Court** -- The clerk of the court opens the court by announcing that the court is ready to begin. He or she also introduces the judge.
2. **Swearing in the Jury** -- The clerk of the court or the judge asks the jurors to take their seats. He or she then announces the case, asks them to swear or affirm that they will act fairly in listening to the case, and reads aloud some instructions about the case. The judge asks counsel (the attorneys) to introduce themselves.
3. **Opening Statement or Argument by the Plaintiff's Attorney (or Prosecuting Attorney)** This lawyer begins by telling the jury the important information about the case which includes the parties in the case and the facts that led to the lawsuit. The plaintiff's attorney presents an overview of the complaining party's version of the case (or the prosecuting attorney presents an overview of the prosecutor's or government's version) to the judge or jury.
4. **Opening Statement or Argument by the Defendant's Attorney** -- This lawyer begins by stating his or her name and the defendant's name. The jury is told that he or she will try to prove that the plaintiff's attorney or the prosecutor does not have a valid case. The defense attorney then presents an overview of the defendant's side of the case to the jury.
5. **Plaintiff's (or Prosecution's) Direct Examination of Their Witnesses** -- The plaintiff's attorney calls the witnesses for their side (or the prosecuting attorney calls the witnesses for the government) one at a time to the front of the room. The clerk of court asks each witness to swear or affirm to tell the truth. The attorney then asks questions of the witness. The questions are based on the facts the witness has to offer.
6. **Defense's Cross-examination of the Plaintiff's (or Prosecution's) Witnesses** -- During cross-examination, an attorney tries to get the other side's witness to admit something that will help his or her client. The attorney may also try to show that a witness is not dependable.
7. **Defense's Direct Examination of Their Witnesses** -- The defendant's attorney calls the witnesses for their side one at a time to the front of the room. The clerk of court asks each witness to swear to tell the truth. The attorney then asks questions of the witness. The questions are based on the facts the witness has to offer.
8. **Plaintiff's (or Prosecution's) Cross-examination of the Defense's Witnesses** -- During cross-examination, an attorney tries to get the other side's witness to admit something that will help his or her client. The attorney may also try to show that a witness is not dependable.

9. **Judge's Instructions to the Jury** -- The judge explains to the jury what the principles of law are in the case. He or she asks the jury to make a fair decision about the case.
10. **Closing Arguments** -- Each attorney sums up the main points that help his or her client's case. The plaintiff's attorney (or prosecuting attorney) is the first to present the main points. The defendant's attorney then makes an argument. Finally, the plaintiff's attorney (or prosecuting attorney) has a chance to react to the defense's comments; this is called rebuttal.
11. **Jury Deliberations and Verdict** -- The jury talks about and makes a decision in the case. In a real trial, the jury leaves the courtroom and goes to a separate room to discuss the case. Once the jury makes a decision, it reports to the courtroom and the judge announces the verdict. If the defendant waived a jury trial, the judge issues a verdict.



Prior to Meeting 3

- Review Meeting 3 material in the Curriculum Packet
- Schedule a guest speaker*
- Materials needed:
 - **Putting on Mock Trials** publication: one in your KYG Packet
 - Easel Paper with each of the four points on one piece of paper. **Activity 28**
 - Basket or container with each person's name written on a note card
 - Copies of:
 - **The Juror's Guide**- one in KYG packet; copy for each student
 - **Big Bad Wolf v. Curly Pig: A Civil Trial in Putting on Mock Trials**, (in resource packet). Make one copy for each student
 - **Handout #13, #14 & #15** Make a copy for each student

Objectives of Meeting 3

- ❖ Examine the different courtroom roles and their duties
- ❖ Understand what can be introduced as evidence at a trial
- ❖ Practice roles from "**Big Bad Wolf vs. Curly Pig**", a scripted mock trial
- ❖ Select a mock trial, select roles, practice
- ❖ Practice critical thinking and communication skills.

Meeting 3 Activities

Activity 17: *Welcome and Check-in*

This is a great time to connect with your students. Make sure your Group Agreement is working for the group. If you are having a speaker at this meeting, be sure they know how to address the speaker and have approved questions ready.

Activity 18: Community Building

Stand in a circle shoulder to shoulder. Explain: *“This activity is called ‘we are a great looking group!’ In every group, it is important to reflect on the positive things that have happened in our work together, (or to affirm our work so far, or the way we have met challenges, or say whatever fits for your group). Therefore, this is our chance to affirm positive things you have seen happen, as we have worked together. I’ll start us off, by saying: ‘We are a great looking group!’ then I ask you to jump in with your own reflection. So after someone speaks, you’ll start by saying: “And not only ____ (e.g. “Not only are we a great looking group, we__ (are really respectful of each other’s opinions)____.” The next person might jump in and say, “And not only are we really respectful of each other’s opinions, we_____.”*

Ask if the directions are clear to all, then begin by saying with great enthusiasm: *“We are a great looking group!”*

Let conversation flow until everyone has had a chance to speak at least once. Any affirmation or comment on some positive aspect of the group, its work, its interactions or accomplishments, no matter how small, is acceptable.

Activity 19: Reality TV?

Discuss the assignment and questions given at the end of Meeting 2. Have students share what they watched and what they discovered. Ask the students to listen to similarities and differences of the shows/trials they watched.

- How were the Supreme Court proceedings different from the television shows? *(Not as polished, dramatic, etc.)*
- Why might this be?
- How might watching too many ‘crime’ type shows effect an individual?

Activity 20: Speaker

Arrange for a guest speaker (attorneys, prosecutors, judges, police officers, etc.) to meet with your group. Ask them to address certain topics. Depending on whom you schedule, you may ask them to assist the delegates in preparing for their mock trial. Have delegates prepare questions about the speaker’s job before his/her arrival.

Activity 21: Mock Trials

We are ready to start preparing for participation in a mock trial. [Handout #13](#) Review the steps of a mock trial.

Activity 22: Roles in a Trial

1. Discuss the various roles in a trial (attorney, witness, and juror). Use the *‘Putting on Mock Trials’* publication for their descriptions, page 9. We will also have a jury and reporters- more information coming on these two.
2. Also in *‘Putting on Mock Trials’*: refer students to *‘Helpful hints for Mock Trial Participants’* pages 12-13 and sample questions, pages 14-15, as a group. You may copy these pages if you feel it would be useful/helpful for each student to have. Not everyone will be serving as a lawyer but if you have, a large group, use many people to assist the attorneys in preparing for the case.
3. Ask group *how each role uses critical thinking and communication life skills*. Share specific examples for each role.
4. Ask delegates to decide the roles they would like to fulfill. If you have a large group, you may have a team of attorneys for each side. Try to make sure the role they fill in the mock trial is different from the role they served in the scripted mock trial.

{ At the KYG Conference in Olympia, there will be workshops for each mock trial role. However, it would be very beneficial to your youth to become familiar ahead of time and practice the skills. }

Activity 23: *Scripted Mock Trial*

1. Follow the scripted mock trial **Big Bad Wolf v. Curly Pig: A Civil Trial**
2. Have students chose or assign roles. Although this is a simple case geared towards younger children, it serves as a quick run through the trial process. It will also allow the delegates to observe the jury process. Remind youth to practice critical thinking and communication skills.
3. While the participants are getting ready, have the jurors elect a presiding juror (foreman/forewoman).
4. When the judge sends the case to the jury, have them deliberate in front of the group. Have the foreman/forewoman let each juror declare their opinion as to whether Curly Pig was trying to cook BB Wolf and why, and then tally the votes. It is important that the foreman/forewoman is a good facilitator – makes sure people get their voice heard but is able to steer the group back to the case when the discussion gets off subject. Because this is a civil case, the vote does not need to be unanimous one way or the other. However, if the vote is 9 to 3, the jury may want to deliberate longer to see if they can get a tenth person to find Curly Pig liable.

* **Important! Please do. REFLECTION** After the jury announces their verdict, discuss other ways Curly Pig and BB Wolf could have resolved this conflict. (*Mediation or Arbitration*) What is involved in these two processes?

Activity 24: *The Jury Process*

1. Hand out copies of “*The Juror’s Guide*” and have delegates read it, either silently or aloud. Discuss that jury service is a task fulfilled by responsible citizens in a democratic society. The justice system works because of citizens who serve as jurors. Ask them to identify where critical thinking and communication skills are important and used through this role and what the consequences could be if not used well.
2. Find someone who has served as a juror to talk to the group. Questions to discuss: How difficult was it to keep personal feelings from interfering with your verdict? How did the jury interact with each other? Were people respectful of the views of others? Was it difficult to judge the person according to the law and not according to your own beliefs about that person?

Optional: iCivics has a game called “*We the Jury*”. Students take on the role as a juror in a civil case. Jurors meet in the deliberation room to weigh the evidence and reach a verdict. However, it’s not easy—all jurors must agree which side should win! Your students analyze the evidence and use it to support or refute fellow jurors’ reasoning until consensus is reached. <https://www.icivics.org/>

Activity 25: *Rules of Evidence and Standard Objections*

Use the **Putting on Mock Trials** to share the overview of rules of evidence and standard objections (page 10). Give **HANDOUT #14** to each student and discuss. After this discussion, pass out **HANDOUT #15**, Rules of Evidence Exercise. Have the delegates work on it individually and then discuss the answers.

Activity 26: *Pick a Trial*

It is now time to practice a ‘real’ mock trial. There are several mock trials in **Putting on Mock Trials** publication (pages 38-48). Go through them as a group and have the group vote on which mock trial they would like to perform. If your group is not interested in any of these, please contact Jan Klein for other options.

Have students select roles to start working on or preparing for.

{ *Some of the middle school mock trials are also very good. We recommend go easier on your first one and if you have time do a second one that is more difficult.* }

Activity 27: Reflection & Application

- What did you learn from the speaker?
- Why is it important to learn about objections?
- What may be introduced as evidence at a trial?
- What did you learn about the different roles in a trial and their duties in the courtroom?
- What critical thinking skills are necessary for different roles in a trial?
- What communication skills are necessary for different roles in a trial?
- How will you use these same critical thinking and communication skills dealing with personal conflict or disagreements at KYG?
- What did you learn about the jury's role, and how they might deliberate to decide a case?
- Did you feel the jury used only the facts presented to decide the case?
- Did the scripted mock trial follow the process you learned about earlier? What was similar/different?
- Why was it important to do a scripted mock trial as opposed to a mock trial?
- How are jurors selected and do you think this process created a jury of your peers?
- As a juror, could you separate the facts of the case learned in court from the media stories?

Activity 28: Compliments

Write out the following four points, one each, of easel paper. Have students decide what the point means when giving a compliment. Discuss and write their thoughts under each point. Have a basket ready with each person's name in it. Have a student draw a name out of the basket and give them a compliment.

A great compliment is about acknowledging the positives about another person.

- 1. Be specific.** Memorable compliments are specific. Do not be vague when you give a compliment. Notice what it is that compelled you to want to give the compliment in the first place, and then articulate it to the person.
- 2. Acknowledge their character.** When complimenting an accomplishment, do not just acknowledge what the person did. Acknowledge who they had to be in order to accomplish it. In other words, what did it take them to make it happen? Point to a person's character traits, such as perseverance, kindness, thoughtfulness, loyalty, humor, calmness, creativity or courage.
- 3. Be authentic.** If you do not really mean the compliment, do not give it. Everyone has some character strength or gift worthy of acknowledgment. Make a habit of finding the good in others. Sometimes you may be the only person to point it out and your authentic compliment will be an extraordinary gift for that person because they rarely hear something positive about themselves from others.
- 4. Express your appreciation.** When complimenting someone about something they did that benefitted you, be direct in your praise. "It meant a lot to me that ..." or "I appreciate you for ..." for example.

At the end of Meeting 3

- ❖ Remind delegates about date and location of next meeting
- ❖ Assignment: practice for mock trial next meeting

The Opening of the Court

Either the Clerk of the Court or the judge will call the Court to order.

When the judge enters, all the participants should remain standing until the judge is seated.

The case will be announced, i.e., "The Court will now hear the case of vs. _____."

The judge will then ask the attorney for each side if they are ready.

A representative of each team will introduce and identify each member of the team and the role each will play.

1. Opening Statement

(1) Prosecution (in criminal cases)

Plaintiff (in civil cases)

The prosecutor in a criminal case (or plaintiff's attorney in a civil case), summarizes the evidence which will be presented to prove the case.

(2) Defendant (in criminal or civil case)

The defendant's attorney in a criminal or civil case summarizes the evidence for the Court which will be presented to rebut the case the prosecution has made.

2. Direct Examination by Plaintiff

The prosecutors (plaintiff's attorneys) conduct the direct examination of its own witnesses. At this time, testimony and other evidence to prove the prosecution's (plaintiff's) case will be represented. The purpose of direct examination is to allow the witness to state the facts in support of the case.

Note: The attorneys for both sides on both direct and cross-examination should remember that their only function is to ask questions; attorneys themselves may not testify or give evidence, and they must avoid phrasing questions in a way that might violate this rule.

3. Cross-Examination by the Defendant's Attorneys

After the attorney for the prosecution (plaintiff) has completed questioning each witness, the judge then allows the other party (i.e., defense attorney) to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of opposing witnesses. In consistency in stories, bias, and other damaging facts may be pointed out to the judge through cross-examination. **Direct Examination by the Defendant's Attorneys.**

After both sides have examined all the prosecution's (plaintiff's) witnesses, the defense will present its witnesses. Direct examination of each defense witness follows the same pattern as the above which describes the process for prosecution's witnesses.

Cross-examination by the prosecution (Plaintiff's attorneys).

Cross-examination by each defense witness follows the same pattern as the step above for cross-examination by the defense.

6. Closing Arguments (Attorneys)

a) Prosecution (Plaintiff)

The closing argument is a review of the evidence presented. It should indicate how the evidence has satisfied the elements of the charge or claim, point out the law applicable to the case, and ask for a favorable verdict.

b) Defendant

The closing argument for the defense is essentially the same as for the prosecution. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not satisfy the elements of the charge or claim, stresses the fact favorable to the defense and asks for a verdict favorable to the defense.

THE JUDGE'S ROLE AND DECISION (VERDICT)

The judge is the person who presides over the trial to assure that the parties' rights are protected, and the attorneys follow the rules of evidence and trial procedure. In trials held without a jury, the judge also has the function of determining the facts of the case and rendering a judgement.

Following are some examples of often-used objections:

Irrelevant Evidence: “I object, Your Honor. This testimony is irrelevant to the facts (issues) of this case.”

Leading Questions: “Objection. Counsel is leading the witness.” (Remember this is only objectionable when done on direct examination)

Narrative Question and/or Response:

“Objection, Counsel’s question calls for a narrative” or “Objection, witness is giving a narrative response.”

Improper Character Testimony:

- a) “Objection. The witness’s character or reputation has not been put in issue.”
- b) “Objection. Only the witness’s reputation/character for truthfulness is at issue.”

Hearsay: “Objection. Counsel’s question calls for a hearsay response.” Or “Objection. The witness’s answer is based on hearsay.” (If the witness makes a hearsay statement, the attorney should also say, “and I ask that the statement be stricken from the record.”)

Opinion: “Objection. Counsel’s question calls for an opinion.”

Lack of Personal Knowledge: “Objection. The witness has not personal knowledge that would enable him/her to answer this question.” Or, “Objection. Lack of foundation.” (This latter objection presupposes that the subject matter of the testimony could be admissible if the examiner first establishes through proper questioning that the witness has the requisite personal knowledge.)

Badgering/Argumentative: “Objection. Counsel is badgering the witness.” Or, “Objection. Counsel is arguing with the witness.”

Motion to Strike: If inadmissible evidence has been introduced before an objection can be timely made and the court sustains the objection, a follow-up motion should always be made to purge the record of the tainted evidence. “Your Honor, I move to strike the (nonresponsive) (inadmissible) portion of the witness’s testimony from the record.”

Speculation: “Objection. Speculation” Attorneys cannot have witnesses assume or guess answers

HANDOUT #15

RULES OF EVIDENCE EXERCISE

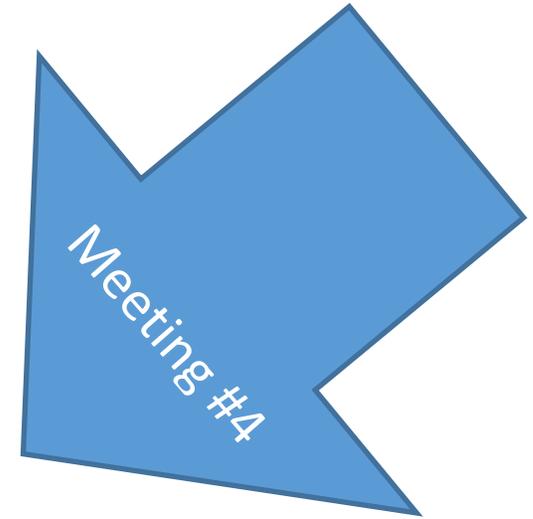
Instructions: For each situation described below, explain whether you would object to the admission of the evidence. If so, on what grounds would you make your objection? If you were offering the evidence, can you think of a way to get it in despite objection? How would the judge rule?

1. Doug is on trial for auto theft. As an alibi, Doug testifies, “Cindy told me that Jim had stolen that car for a joy ride. She never touched it.”
2. Trial for arson. A witness for the defense testifies that the defendant was with her on the night of the crime. The prosecutor asks, “Isn’t it true that you used cocaine when you were in college three years ago?”
3. Mr. Wirtz, an English teacher who knew the defendant since high school, testifies for the prosecution that Joe has deep psychological problems.
4. On direct examination, the defense attorney asks, “You could hear the noise from the next apartment very clearly, couldn’t you?”
5. The witness, a waitress, testifies that the bartender had mentioned to her that the defendant had ordered five shots of whiskey the night of the crime.
6. Police officer Jones testifies that when he entered the victim’s apartment he saw the defendant trying to climb out the window.
7. The prosecutor asks the witness, “Didn’t you tell the defendant’s attorney that you had seen the defendant take the money?”
8. Sally has never seen Amy with her son. Can Sally testify that Amy is a horrible mother?
9. In a trial for embezzlement, the defense introduces a diploma to show that the defendant graduated from high school.
10. The prosecution calls a witness to testify that the defendant had shoplifted for years before being arrested for grand theft.

Material obtained from “People vs. Ballard,” Constitutional Rights Foundation, 1984, pages 33-36

Rules of Evidence Exercise Answers

1. **Hearsay.** Cindy's out of court statement that Jim took the car is being offered to prove that he, and not the defendant, took the car. Cindy should testify to this herself.
2. **Relevance.** The use of cocaine three years ago has nothing to do with the facts of the case or the witness' credibility. This question was probably intended to harass or embarrass the witness and is entirely improper.
3. **Opinion.** An English teacher is not an expert in psychological matters. The witness perhaps could testify to bizarre things that Joe had done or other indicators of psychological problems.
4. **Leading Question.** On direct examination, an attorney must allow the witness to tell his or her own story. The attorney could ask, "How well could you hear the noise from the apartment next door?" The original question would be proper on cross-examination.
5. **Hearsay.** The bartender's out of court statement is being offered to prove that the defendant had been drinking heavily. Introduce the bartender as a witness or ask the waitress if she had noticed how much the defendant had been drinking.
6. This is a proper bit of testimony, the more the better.
7. **Privilege.** The lawyer-client privilege protects from disclosure statements about the case made to a client's lawyer. Ask the witness whether she had seen the defendant take the money.
8. **Personal Knowledge.** Sally doesn't appear to have any basis for claiming that Amy is a terrible mother. Try to establish that Sally knows of Amy's poor parenting, perhaps by having seen scars on the child and having seen the child lightly clothed on cool winter day.
9. **Relevance.** Graduation from high school has nothing to do with stealing money that the defendant had been trusted with. If the defense is trying to show good character, something more convincing than a high school diploma is needed.
10. **Character Evidence.** Unless the defense has already produced evidence of good character, the prosecution cannot offer this testimony.



Before Meeting 4

- Review Meeting 4 material in the Curriculum Packet
- Schedule a resource person (attorney, etc.) to assist in preparing for your practice trial.
- **IMPORTANT:** please read ***Putting on Mock Trials*** pages 5-7 for an overview of how to assist your students to have a positive experience with a mock trial.
- Materials needed:
 - Make copies of mock trial case and related materials to distribute to each student

Objectives of Meeting 4

- ❖ Prepare for the mock trial- give students with different roles a chance to prepare.
- ❖ Improved the life skills of critical thinking and communication, preparing them for their roles at KYG.

Meeting 4 Activities

Activity 29: Community Building: Back to Back

Ask each group member to stand back to back with a partner. After I give you the question, you will turn around and answer the question. We will then mix up and do a different question.

Questions

- *Share highlight from week.*
- *What are you excited about today?*
- *What can you do to support others learning today?*
- *What can you do to support your own learning today?*
- *Share an example of where you used your critical thinking of good communication skills recently.*

Activity 30: Prepare for Trial

Agree on time limits for opening and closing statements and direct and cross examination, and if re-direct examination will be allowed.

Have the jurors select a foreperson and then divide them evenly between the two sides so they can assist in the

Have attorneys and witnesses prepare for trial.

{ *Make certain that students are familiar with mock trial procedures and their roles.* }

Activity 31: Reflect & Apply

- *What did you learn about time limits? Why might they be important?*
- *What specific skills did you use for effective communication? Critical thinking?*
- *How will you use these skills during the mock trials at the KYG Conference in Olympia?*
- *What difficulties are you having preparing for trial?*
- *What will you do before the next meeting to get prepared for the trial?*

Activity 32: Round of Compliments

Watch these two short videos.

<https://www.youtube.com/watch?v=ETwtPOZgUio>

<https://www.youtube.com/watch?v=-OBgdoAmuWI>

REFLECT:

- *What is the difference between the types of compliments given in these videos?*
- *Did both types make the recipients happy or pleased?*
- *Which type of compliments do you usually give and why?*
- *Did one provide a deeper sense of value to the recipient and if so how?*
- *Which type of compliments mean the most to you?*

At the end of Meeting 4

- ❖ Remind delegates about date and location of next meeting
- ❖ Remind that they have opportunity to prepare for areas they feel need some improvement.

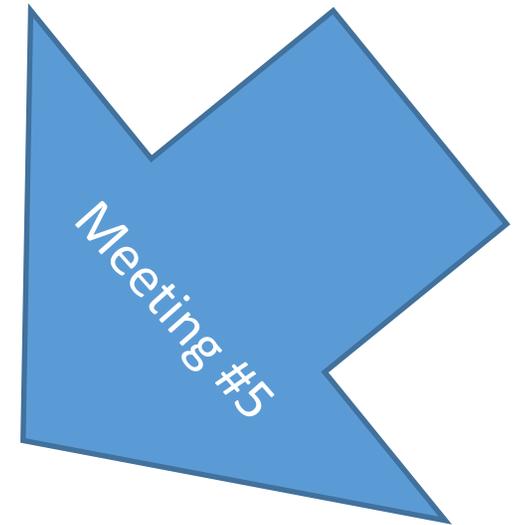


Meeting 5

- Review Meeting 5 material in the Curriculum Packet
- Find an attorney or judge to preside over the mock trial
- Set up meeting space to resemble a courtroom
- Materials needed:
 - Make copies of:
 - **Tentative Conference Agenda** Page 5.
 - **Handout #16** – one copy for each Juror
 - **Handout #17** – several copies for students to share
 - **Handout #18** – one copy per students

Objectives of Meeting 5

- ❖ Conduct Mock Trial
- ❖ Students should apply for a trial role at the conference
- ❖ Practice critical thinking and communication skills.



Meeting #5 Activities

Activity 33: Community Building: What is your weather forecast?

Find a partner; share the weather forecast you predict for your mock trial. i.e. (I am rainy with 20% chance of thunder.) Share why you picked that forecast Identify a forecast that you would like to have at the end of the workshop. Ask each person to share with their partner what they need to do to create that kind of day for themselves.

Activity 34: Mock Trial

Have adults serve as clerk, bailiff and audience. Be sure to thank them and the judge for their participation.

Have members of the Jury, using **HANDOUT #16** to evaluate the trial. After the case has been presented, have the jury deliberate in front of the entire group obviously without input from the other roles. Have the foreman/forewoman let each juror declare their verdict and why and then tally the votes. As before, it is important that the foreperson is a good facilitator – makes sure people get their voice heard but is able to steer the group back to the case when the discussion gets off subject.

Activity 35: REFLECT--Debrief Mock Trial

Discuss what went well and what areas need to be improved before the conference. Have the delegates make comments before the adults. Encourage your group to analyze your groups' mock trial and the effectiveness of certain court roles.

- *Who is the most important person in the courtroom? Why?*
- *Describe the role played by each of the participants in the trial.*
- *It has been said that the "name of the game is justice." Do you think that justice was achieved in this case?*
- *Is there a better way of achieving justice?*
- *If you were tried for a criminal offense, would you prefer a bench trial or a jury trial? For a civil offense? Why?*
- *It has been said that trial by jury in a criminal case is inefficient, expensive, and time-consuming. What do you think of this argument?*

Criminal Case

- *With what crime was the defendant charged?*
- *What legal questions or issues were raised by the case?*
- *State the argument(s) of the prosecution.*
- *State the argument(s) of the defense.*
- *How did the prosecution try to prove its case?*
- *Describe the strategy of the defense.*
- *If you were an attorney for the prosecution or the defense, what facts or arguments would you have presented?*
- *What was the decision? Do you agree or disagree with the decision? Why?*
- *Are there grounds for appeal?*
- *In your judgment, did the defendant get a fair trial? If not, why not?*

Civil Case

- *What relief did the plaintiff seek? Could the parties have reached a mutual settlement out of court? Could any other branch of local, state, or federal government have settled this dispute?*
- *What legal questions or issues were raised by the case?*
- *State the argument(s) of the plaintiff.*
- *State the argument(s) of the defendant.*
- *How did the plaintiff try to prove his or her case? What was the plaintiff's strategy?*
- *What was the defense's strategy?*
- *If you were an attorney for the plaintiff or defendant, what facts or arguments would you have presented?*
- *What was the decision? Do you agree or disagree with the decision? Why?*
- *In your judgment, did the plaintiff get a fair trial? If not, why not?*

Source: Excerpted with permission from the Mock Trial Manual of the Law, Youth & Citizenship Program of the New York State Bar Association and the New York State Department of Education.

Activity 36: What is happening at the conference?

Hand out the conference agenda and discuss what will be occurring in each session, topics you briefly covered in the first meeting. Answer any questions about what will be happening at the conference.

Activity 37: Apply for role at conference

Hand out job qualifications [Handout #17](#) and application, [Handout #18](#) and have delegates apply for a job (attorney, witness, juror or reporter) at the conference. Please include your comments about the delegate and their preparedness for the job they have applied. If you do not feel the delegate will be successful in the job for which they have applied, please include this in your comments.

Send application by February 1, 2017.

Activity 38: Compliments

The purpose of this activity is to build others' self-esteem by writing positive messages on paper, on a person's back. Giving and receiving positive feedback is an important life skill and helps develop confident individuals and strong teams. Youth put their name on the top of their blank paper and have another participant tape the paper to their back. Using their writing utensil, walk around the room and write compliments about that person or something you appreciate about their contribution to the group or you personally. Activity continues until each person had contributed to everyone's paper. After this, give members a few minutes to read their papers.

Activity 39: Reflect & Apply

Ask young people to mentally review the activities and experiences of your **County's Pre-Conference KYG Meetings**. You may wish to lead them through a brief guided re-imagining of all of the content learned about the judicial system or the learning activities completed (e.g., "On Friday night we arrived and played Name and Motion. Then we had a community building activity about how good looking we were....." Ask participants to take a "mental snapshot" of some experience they had during the sessions and what they learned from that experiences. Have them write on a 3 x 5-card one of those mental snapshots. Ask participants to share their learning card with a partner. Ask volunteers to share with the whole group.

These questions may assist them.

1. *What did you learn about participating in the trial process?*
2. *What as the most challenging piece for you?*
3. *What more do you need to do to prepare to participate in the mock trial at the KYG Conference in Olympia?*
4. *We learned a lot about communication. What communication skills will be most important for you to be ready to use at KYG?*
5. *We learned a lot about critical thinking. What critical thinking skills will be most important for you to be ready to use at KYG?*

End of meeting 5

Discuss transportation; confirm appointments with legislators, etc.

Meeting #5 Handouts

HANDOUT #16

Jury Observation and Checklist Handout

The jury will determine whether the defendant is guilty or not guilty based upon the facts in the case, the credibility of the witnesses' testimony, and the law, which applies to the case. Use this sheet to follow the proceedings of the trial. As the prosecution and defense presents their cases, record the legal arguments made by the attorneys, facts presented by the witnesses and your impressions of the credibility (believability) of the witnesses.

Prosecution

Prosecution's Opening Statement: What did the prosecution say it would try to prove in this case?

FACTS: Learned from witness testimony

Witness #1 _____

Witness #2: _____

Witness #3: _____

To Believe or Not to Believe

Circle the response that most closely corresponds with what you think of each witness:

SA – Strongly Agree **A** – Agree **D** – Disagree **SD** – Strongly Disagree

Witness #1 _____ was a believable witness **SA** **A** **D** **SD**

Witness #2 _____ was a believable witness **SA** **A** **D** **SD**

Witness #3 _____ was a believable witness **SA** **A** **D** **SD**

Prosecution's Closing Arguments: How did the prosecution use the facts from the witnesses to prove its case?

Defendant

Defendant's Opening Statement: What did the defense say it would try to prove in this case?

FACTS: Learned from witness testimony

Witness #1 _____

Witness #2: _____

Witness #3: _____

To Believe or Not to Believe

Circle the response that most closely corresponds with what you think of each witness:

SA – Strongly Agree

A – Agree

D – Disagree

SD – Strongly Disagree

Witness #1 _____ was a believable witness **SA** **A** **D** **SD**

Witness #2 _____ was a believable witness **SA** **A** **D** **SD**

Witness #3 _____ was a believable witness **SA** **A** **D** **SD**

Defendant's Closing Arguments: How did the defense use the facts from the witnesses to prove its case?

Taken from: Minnesota Center for Community Legal Education, University of Minnesota,

These are guidelines to assist the delegates in selecting a role for the conference. A delegate may be assigned a role they did not apply for if the number of applications is more than the number of roles available. It is important delegates are prepared to serve in any of these four roles.

Attorney

- Possesses good verbal communication skills
- Able to work cooperatively as a member of a group
- Able to work with people who are different from him or her

Juror

- Possesses good listening skills
- Able to distinguish between fact, opinion and reasoned argument
- Analyzes credibility and authenticity
- Able to clearly state thoughts, feelings, and ideas to others
- Seeks agreement and solutions through discussion
- Can do what is right when with a group

Reporter

- Possesses good writing skills or video skills
- Able to determine main message and identify target audience
- Check for understanding by asking questions and paraphrasing

Witness

- Possesses good memorization skills
- Appreciates dramatic arts (some acting may be required)



For Committee Use Only

Position:

Courtroom:

HANDOUT #18

KYG Mock Trials Role Application

Due: February 1, 2017

Scan and email to: Carlie Arreol carreola17@my.whitworth.edu

Please complete this application promptly so your county coordinator can review and make comments prior to sending it to the committee. Your county coordinator's comments are confidential and will not be shared with others.

Name: _____ County: _____

Position Applying For: (Circle One) a) Attorney b) Juror c) Reporter: written d) Reporter: video e) Witness

Education: What is the highest grade you have completed? _____

Job Skills: List your skills, qualifications, and experiences related to this job. _____

Why are you interested in this position? _____

Signature of Applicant _____

Comments by County Coordinator: _____

Signature of County Coordinator _____