

Chapter Three: Activities High School



Chapter Three: Vocabulary

Justice—the legal system, or the act of applying or upholding the law

Jurisdiction—area over which legal authority extends

Subpoena—written legal order summoning a witness or requiring evidence to be submitted to a court

Civil—law involving individual people or groups in legal action other than criminal proceedings

Small claims—an informal, uncomplicated proceeding to resolve small disputes which do not involve enough money to warrant the expense of formal litigation; the amount involved cannot exceed \$10,000 (taken from the State Bar of Texas)

Probate—to certify legally that a will is valid

Misdemeanor—crime less serious than a felony and resulting in a less severe punishment

Litigation—act or process of bringing about or contesting a lawsuit

Felony—a more serious crime

Title—a document giving the legal right to property

Offense—official crime or a crime against moral, social or other accepted standards

Miranda rights—rights read by an officer to a person in custody before he or she is interrogated; if rights are not read before interrogation of the person in custody, then the answers to the questions may be kept out of court

Alleged—believed to be true

Attorney—in law, any person (usually one with a law degree) authorized by another to represent him or her

Prosecutor—somebody who initiates a legal prosecution

Defendant—a person or company required to answer charges in a court

Arraignment—formal accusation

Admonish—advise

Jury—a group of people chosen to give a verdict on a legal case that is presented before them in a court of law

Voir dire—(from the French term which means literally “to see to speak”), process by which judges and attorneys determine which potential jurors will serve on a jury, while ensuring that the jury will be an impartial cross-section of the community

Indictment—a formal accusation of a serious crime, presented to a grand jury

Object—to be opposed to something, or express opposition to it

Chapter Three: Notes and Review

1. The duties of a sheriff include operating the county _____, _____ crimes, making _____, enforcing _____ regulations on county roads, serving writs and seizing property after judgment.
2. A court order to appear in court to give testimony is called a _____.
3. A constable is the executive officer of the _____ court since he or she subpoenas witnesses, acts as bailiff, executes judgments and serves papers.
4. At the base of the judicial pyramid are the _____, with authority to adjudicate minor civil cases, impose small fines for misdemeanors, and hold preliminary hearings.
5. A justice of the peace can/cannot perform marriages.
6. A district court handles major _____ like felony cases, divorce proceedings and civil matters involving claims for more than \$1,000.
7. A juror must be a minimum of _____ years of age.
8. _____ rights are guaranteed by the fifth amendment of the U.S. constitution.

Chapter Three: Notes and Review Key

1. The duties of a sheriff include operating the county **jail**, **investigating** crimes, making **arrests**, enforcing **traffic** regulations on county roads, serving writs and seizing property after judgment.
2. A court order to appear in court to give testimony is called a **subpoena**.
3. A constable is the executive officer of the **justice of the peace** court since he or she subpoenas witnesses, acts as bailiff, executes judgments and serves papers.
4. At the base of the judicial pyramid are the **justice of the peace courts**, with authority to adjudicate minor civil cases, impose small fines for misdemeanors, and hold preliminary hearings.
5. A justice of the peace **can** perform marriages.
6. A district court handles major **litigation** like felony cases, divorce proceedings and civil matters involving claims for more than \$1,000.
7. A juror just be a minimum of **18** years of age.
8. **Miranda** rights are guaranteed by the fifth amendment of the U.S. constitution.

Chapter Three: Activity One

Supplies: newsprint, markers, wipe-off board

Directions: Discuss courtroom behavior with students. It is important to behave respectfully in any kind of courtroom so that the proceedings are not disrupted. There are rules for members of the media in the courtroom (regulating their use of cameras and the sharing of footage), and there are rules for those who are watching the proceedings. Interrupting the court process could find you in contempt of court. If necessary, you will be removed from the auditorium for violating any of these rules. Talking, whispering, giggling, shuffling papers, or disturbing the composure of the proceedings with phones or pagers is not allowed. Not only is it necessary to show respect for the judges and justices who have earned the right to rule on certain matters, it is also essential to show respect for the attorneys and parties who are arguing before the court.

List the following on newsprint or a wipe-off board.

- Come into and leave the courtroom quietly.
- Listen and watch carefully; focus on the details.
- Don't embarrass yourself by yelling out, whistling, or making any other inappropriate noises.
- Don't bring food, gum, or anything to drink.
- Don't talk to your friends during the court session. If you don't understand something or wish to say something, save your comments for the break.
- Don't leave the courtroom unless you feel ill. Find an adult to help you.
- Don't throw anything.
- Don't bring backpacks or bulky jackets into the courtroom.
- Don't bring cell phones or pagers.
- Bring a notebook and pen or pencil so that you may take notes.
- Dress as though you were going to court yourself. No hats are allowed.

Discuss court procedures with students. The judge will bang the gavel to begin the court proceedings. Participants and observers are required to stand when court is called to order. The bailiff will tell you when you may be seated. You are also required to stand when court is called into recess.

Discuss proper behavior with your students. Ask the students for reasons why it is important to behave properly in a courtroom setting. Have students discuss what they are wearing to decide if it is appropriate for a courtroom. They could come to school on the day of the arguments dressed appropriately.

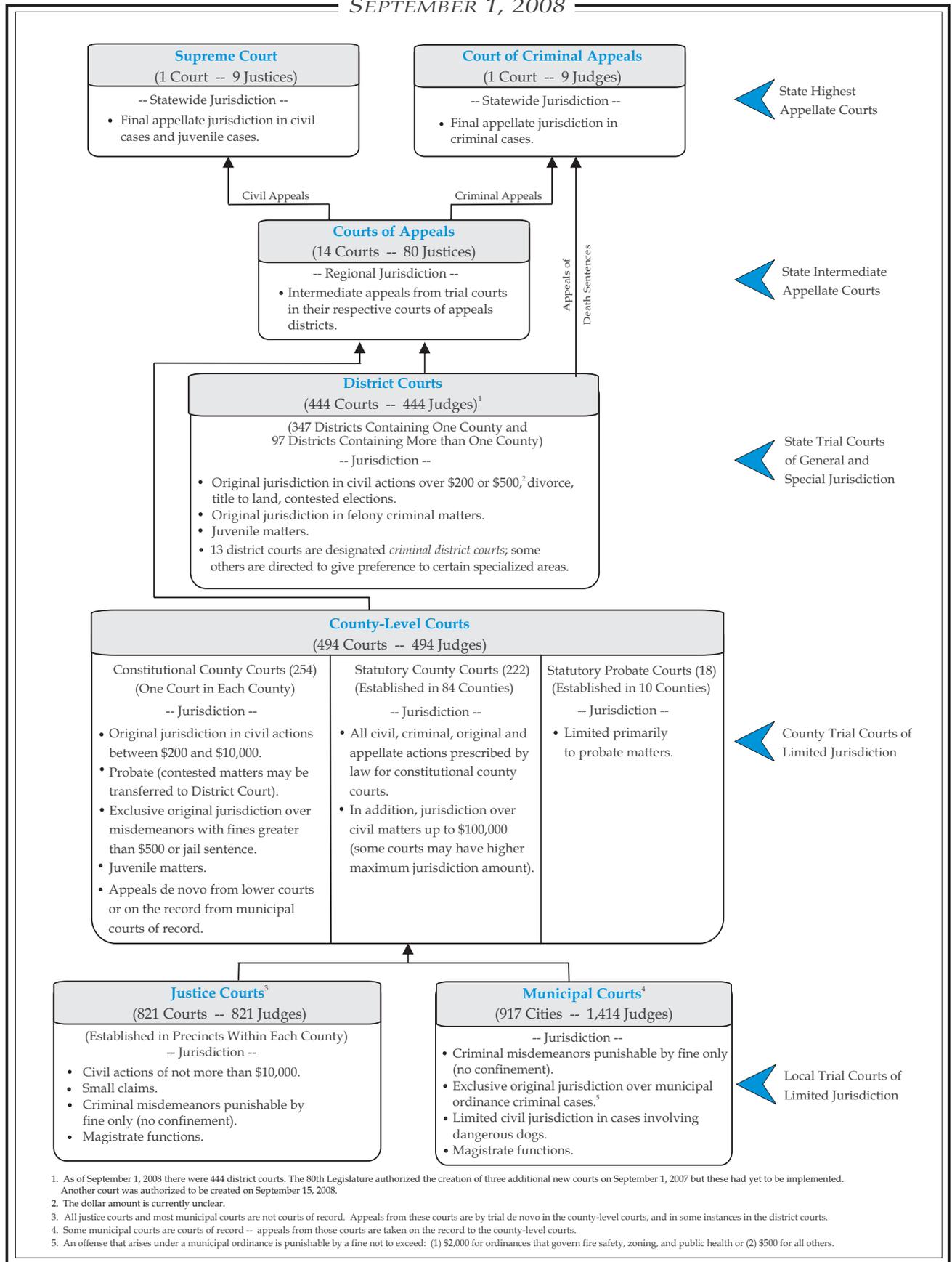
Chapter Three: Activity Two

Supplies: copy of *Court Structure of Texas*

Directions: Give each student a copy of *Court Structure of Texas*. Find articles in local and national newspapers about court cases, including both criminal and civil cases. Divide students into small groups. As you read about the cases, omit any information about the courts in which they are being tried. Let the small groups decide which court the case should be tried in.

Court Structure of Texas

SEPTEMBER 1, 2008



Chapter Three: Activity Three

Supplies: copies of *Steps of a Trial* cards, index cards, glue

Directions: Make several copies of the *Steps of a Trial* cards. Cut them apart and glue them to index cards.

Discuss the general procedure for a trial. Divide the class into small groups and distribute a set of cards to each group. Then have students put the cards into the right order. You might conduct a race to see which group finishes first. This also could be an individual graded activity.

Lawyers take depositions. Lawyers may question (under oath) anyone from whom they wish information. They may ask them about everything they know about the case. The court reporter takes down on paper exactly what the witnesses say during the questioning. At the trial, the lawyers may refer to these depositions to make sure a witness has not changed his or her story. Depositions are also useful when witnesses cannot be present at the trial.

Lawyers select the jury. This is called voir dire. Lawyers, or the judge, ask the potential jurors questions about their attitudes and their knowledge of the case. The lawyers usually have the right to exclude a certain number of jurors if they feel they might not be neutral or impartial in the case.

Trial. After the jury is selected the trial begins. The judge comes in and the clerk calls the court to order.

Opening statement. In a civil trial the plaintiff's lawyer gives an opening statement first. In a criminal trial, the prosecuting attorney gives an opening statement first. Then the defense lawyer makes an opening statement. In the opening statement, each lawyer briefly tells his or her side of the story to the jury and says it is the one to be believed.

Direct examination. The plaintiff's lawyer (civil case) or the prosecutor (criminal case) calls the witnesses he or she wishes to the stand first. The lawyer should ask the witnesses just to tell who they are, what they do, and what they know about the case.

Cross-examination. After direct examination of the witnesses for the plaintiff (or the prosecution) the defense lawyer cross-examines or asks these witnesses more questions that might show that they are unsure, confused, or not telling the truth in their testimony.

Direct examination. The defense lawyer calls the witnesses he or she wishes to the stand and asks them to tell what they know about the case.

Cross-examination. The plaintiff's lawyer (or the prosecutor) then may cross-examine these witnesses by asking them specific questions that might show that they are unsure, confused, or not telling the truth in their testimony.

Recall of witnesses. Generally, the lawyer who has brought in a witness has the right to recall that witness after cross-examination

Closing statement. After all the witnesses' testimony has been heard, each lawyer makes a short speech to the jury. First, the plaintiff's lawyer (or prosecutor) speaks. Then the defense lawyer gets a turn. Both lawyers sum up the facts brought out during the trial that support their side of the story. They try hard to convince the jury to believe their side of the story.

Judge charges the jury. After the closing statements, the judge reads to the jury instructions about what the law is concerning the case before them.

Jury deliberates. The jury then leaves the courtroom and is taken to a private room by the bailiff where they will make their decision.

Reading the verdict. The jury returns to the court. The jury foreman reads the verdict to the judge. The trial is then over. (The bailiff takes charge of the defendant if he or she is found guilty.)

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Steps of a Trial

Lawyers take deposition	Lawyers select a jury	Trial
Opening statement	Direct examination	Cross-examination
Direct examination	Cross-examination	Recall of witnesses
Closing statement	Judge charges the jury	Jury deliberates
Reading the verdict		