On My Honor 1

ON MY HONOR

Fourth and Fifth Graders Interacting With the Court

Created by:

Hon. Richard G. Cline
Superior Court
County of San Diego, North County Division
State of California
Vista, California

Kristin Stewart
Fourth Grade Teacher
Alamosa Park Elementary School
Vista Unified School District
Vista, California

Cover design:

Cpl. Dennis Stewart
Court Services Bureau
San Diego County Sheriff's Department
Vista, California

Administration:

Virginia Sandstrom O'Brien
Educational Outreach Coordinator
San Diego Superior Court, North County Division
State of California
Vista, California

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TABLE OF CONTENTS

GENERAL INTRODUCTION..... 1

CHECKLIST FOR COURTROOM VISIT..... 2

ADMINISTRATIVE SECTION & ASSIGNMENT SHEET..... 3

MASTER SCRIPT..... 5

STUDENT SCRIPTS AND MATERIALS

District Attorney (Opening Statement & Closing Argument)..... 12

Defense Attorney for Billy (Opening Statement & Closing Argument)... 14

Defense Attorney for Jess (Opening Statement & Closing Argument).... 16

Robert..... 18

Mary 19

Sara..... 20

Billy 21

Jess..... 22

Verdicts..... 23

TEACHING MATERIALS

Introduction to Teaching Materials..... 25

Lesson Plans 26

Materials

Vocabulary List..... 31

Vocabulary Matching..... 33

Oaths..... 35

Reader Place Cards..... 37

Crossword Puzzles 44

Word Search 47

Courtroom Etiquette..... 49

GENERAL INTRODUCTION

"On My Honor" is a program designed to address two intersecting concerns. The first is the need of the courts to instill in our youth a measure of respect for our legal system. To the extent this need is addressed, the courts utilizing the program will be carrying out their "community outreach" mandate. The second need is to provide teachers with a prepared program for educating students about a variety of important subjects related to the courts, the legal system and the administration of justice.

For economy of court time, the program is designed so that the participating judge requires an absolute minimum of preparation time. Actual court involvement will be approximately one hour. Additional time is discretionary with the judge and may involve responding to email or fax questions from students.

Teachers have an incentive to utilize the program in that their preparation time is also minimized. They are provided with administrative guidelines, necessary resource materials and lesson plans.

The format of the program is designed to be stimulating and exciting to the children. The teacher will prepare the students for a courtroom visit. Preparation consists of four lessons. The subjects of three lessons are the functions of courts, the nature of trials, and the duties of court personnel. The fourth lesson concerns the concept of "honor". The court visit is designed to provide a surprise to the students. The students are immediately assigned roles and become active participants in a criminal trial involving a battery. The parts are all scripted in advance and the students and judge read from the scripts. Upon completion of the trial, the students receive a brief tour of the courtroom and the judge's chambers. At the discretion of the teacher and court administrators, the class may be given a tour of other court facilities. Upon return to their class, the students receive two more lessons. In one of the lessons, the students deliberate on the case and reach a verdict on the guilt of the defendants. (With appropriate scheduling, the deliberation may take place in the courthouse.) Afterwards, the students are given an opportunity to ask questions of the judge by email or facsimile.

CHECKLIST FOR COURTROOM VISIT

I. PROCEDURES FOR TEACHER:

A. Prior to court visit:

1. Call the court administrator to arrange a date, time and a meeting place for your class.
2. Advise the administrator of the number of students and of chaperones in your party.
3. If desired, make arrangements with the administrator for a courthouse tour following the "On My Honor" courtroom program.
4. Discuss with administrator and decide whether deliberations will be in court or classroom.
5. Complete the "assignment sheet" on the next page, showing the assignments of all students in the class and the role that each will play.
6. Assign students to active roles: assign good readers to reading parts.
7. **Keep the trial a secret.**
8. Review rules of courtroom behavior with students.
9. Assist students to prepare questions to ask the judge.

Note: The court will provide name cards for the speakers and copies of the scripts.

B. Upon arrival in court:

1. Hand the court administrator or the bailiff 3 copies of an assignment sheet showing the assignments of **all students.**
2. Advise bailiff if defendants are to be handcuffed upon completion of the trial.
3. Monitor the assignments of positions and the hand out of scripts by court personnel.
4. Monitor courtroom behavior.

II. PROCEDURES FOR COURTROOM PERSONNEL

A. General for all court personnel.

1. Review master script and student scripts.
2. Determine seating for players with active parts and two juries.
3. Determine area of and near court to be shown to students after the trial.
6. **Keep the trial a surprise** until disclosed by the judge.

B. Special procedures.

1. Clerk: Ensure that judge and bailiff have copies of all required materials from the program package.
2. Clerk: Review oaths that will be given to various trial participants.
3. Clerk: Determine from teacher and advise judge if deliberation is in court or class.
4. Bailiff: Obtain a copy of the student scripts for handout to the student readers. Note that the district attorney and defense attorneys each have two parts.
5. Bailiff: Obtain assignment sheet from court administrator or teacher on arrival and provide judge and clerk with a copy.
6. Bailiff: Hand students their reading parts as clerk calls them forward.
7. Judge: Review master script and note where extemporaneous comments and explanations are called for.
8. Judge: Determine if post-trial dialogue with class will be encouraged. Provide teacher with email or facsimile number as appropriate.

ON MY HONOR

ADMINISTRATIVE SECTION

This section is designed to assist the teacher with the planning and administrative duties associated with the "On My Honor" program.

Court contact name and phone number to arrange educational outreach program:

_____

- Call to arrange a date and time for your court visit and a meeting place for your class.
- Advise the administrator of the number of students and chaperones in your party.
- If desired, make arrangements with the administrator for a courthouse tour and/or visiting a "live" courtroom following the "On My Honor" courtroom program.

Complete the "assignment sheet" on the next page, showing the assignments of all students in the class and the role that each will play.

- Give your completed assignment sheets to the court administrator upon your arrival at the courthouse.

The court will provide the name cards for the speakers and copies of the scripts.

ON MY HONOR

CLASS ASSIGNMENT SHEET

NAME OF STUDENT	ASSIGNMENT	*ABSENT?
1.	District Attorney	
2.	Defense attorney for Billy	
3.	Defense attorney for Jess	
4.	Billy (defendant)	
5.	Jess (defendant)	
6.	Robert	
7.	Mary	
8.	Sara	
9.	Court Reporter	
10.	Interpreter	
11	Jury member for Billy**	
12.	Jury member for Billy	
13.	Jury member for Billy	
14.	Jury member for Billy	
15.	Jury member for Billy	
16.	Jury member for Billy	
17.	Jury member for Billy	
18.	Jury member for Billy	
19.	Jury member for Billy	
20.	Jury member for Billy	
21.	Jury member for Billy	
22.	Jury member for Billy	
23.		
24.	Jury member for Jess**	
25.	Jury member for Jess	
26.	Jury member for Jess	
27.	Jury member for Jess	
28.	Jury member for Jess	
29.	Jury member for Jess	
30.	Jury member for Jess	
31.	Jury member for Jess	
32.	Jury member for Jess	
33.	Jury member for Jess	
34.	Jury member for Jess	
35.	Jury member for Jess	

* Remember to assign another student to the role the absent student was assigned.

** ½ of the remaining students for Billy's jury and the other ½ for Jess' jury. If there are insufficient students for two juries use one.

MASTER SCRIPT

PRELIMINARY MATTERS

Class arrives in courtroom. Judge is off the bench.

Teacher:

Provides Bailiff with 3 copies (for judge, bailiff & clerk) of class assignment sheet, if not previously given to the court administrator, with assignments by name for the following positions:

District Attorney	(good reader; at counsel table)
Defense attorney for Billy	(good reader; at counsel table)
Defense attorney for Jess	(good reader; at counsel table)
Billy (defendant)	(good reader; at defense table)
Jess (defendant)	(good reader; at defense table)
Robert	(good reader; next to district attorney)
Mary	(good reader; seat where appropriate)
Sara	(good reader; seat where appropriate)
Court reporter	(at reporter's station, non-speaking/reading part)
Interpreter	(seat where appropriate, non-speaking/reading part)

Jury for Billy (1/2 the remainder)

Jury for Jess (1/2 the remainder)

Court Clerk:

Allows class through the rail and briefly points out features of the courtroom and general positions of court personnel. Entire class returns to audience area for arrival of judge. **Please note: to this point the trial is still a surprise. The judge is the person who reveals to the students that they are participating in a trial.**

TRIAL

Bailiff:

(Full flag entrance.)

Clerk:

(Clerk swears jury panel: i.e. entire class)

"In the case of the People of the State of California vs. Billy and Jess, will the following students please come forward":

(Clerk calls names of students playing **all speaking roles** (**not** the reporter and interpreter) in the above order.)

Bailiff:

(Hands out a script to each student with a speaking part as they are called forward.)

Court:

"Good morning, students. Today we are having a trial. You are playing all of the parts that one would expect in a trial. Every part is important. You must all pay attention to everything that happens here in this court. When you return to your class, your teacher will ask you questions about the trial.

Some of you have been given parts to read. Those students, who have been given sheets, will read your parts as if you were actually talking in a real trial. I will tell you when it is your turn to read. Those who have two parts, please pay attention to which part I tell you to read. Others do not have reading parts. Two of those who do not have reading parts are the reporter and the interpreter."

(Briefly explain the functions of the reporter and interpreter and where they sit. Also, they will not have a speaking part today.)

"Will the court clerk identify the reporter and interpreter?"

Clerk:

(Calls names of students playing reporter and interpreter and directs them to their seats. Clerk swears the interpreter.)

Court:

Today we have two defendants. We will select a jury for each defendant. Those students who are selected as jurors must pay attention to everything that is said from now on. You will be asked to decide what happened on that day when Jess and Billy were arrested at the 7/11 store.

The clerk will now call the jurors selected for the two juries.

Clerk:

(Calls students for jury 1 and jury 2: bailiff seats one jury in box and 2nd jury in front of jury box, or as convenient.)

Court:

" Will the clerk now swear the jury."

Clerk:

(Swears the jury panel)

Court:

(Explain briefly the difference between the oath given to the entire jury pool and those selected for the final jury.)

"Ladies and gentlemen of the Jury, counsel and parties, we are here today for the trial of a criminal case entitled "People of the State of California vs. Billy and Jess." The People of the State of California are represented by an attorney from the office of the District Attorney (indicate). Billy and Jess are each represented by an attorney called a defense attorney (indicate). We are using two juries today. This jury (designate one) will decide if Billy is guilty or not guilty and this jury (indicate the other) will do the same for Jess.

Billy is charged with the crime of Battery, which involves the unlawful use of force against a person, namely, Robert. Jess is also charged with battery. Jess did not hit anyone. Instead, Jess is charged with aiding or assisting Billy. You will later be instructed that one person who aids or assists in the commission of a crime is also guilty of the crime. As jurors, it is your duty to decide whether the evidence shows beyond a reasonable doubt that Jess and Billy are guilty of the crime of battery, that is, of hitting or assisting in the hitting.

In deciding whether defendants are guilty or not guilty, you must decide the facts, that is, what happened. I will tell you what the law is that applies to the case. In deciding what happened, you will decide whether the witnesses are telling the truth in whole or in part or not at all. In deciding whether or not to believe any witness, you may consider anything that relates to truth telling or honesty including the following:

1. **The ability of the witness to see or hear the events to which he/she is testifying**
2. **The ability of the witness to recollect and to explain the events to which he/she is testifying.**
3. **Any motive, bias or reason which the witness may have to favor a particular outcome or side.**
4. **The reputation of the person with regard to truth telling or lying.**

If you believe that a witness is intentionally false in one part of his/her testimony, you may disbelieve everything that witness says. However, remember that people make honest mistakes. Also, have in mind whether the false testimony is about something important or unimportant.

Do not decide what happened by merely counting the witnesses who have testified on one side as against the other side. The testimony of a single witness whom you believe is sufficient to prove a fact or point even if the witness is a defendant. It does not matter who called a witness to testify. You will consider all evidence to determine guilt or innocence.

Remember that Billy and Jess do not have to convince you of anything, because they are innocent until proven guilty. Neither of them is guilty of a crime unless all the members of the jury believe the defendant is guilty. And, each of you must believe the evidence shows that the defendant is guilty "beyond a reasonable doubt."

Before we begin the trial, it is necessary that we give an oath to all witnesses. "Will the clerk please swear the witnesses."

Clerk:

(Swears all witnesses, i.e. Robert, Jess, Billy, Mary and Sara)

Court:

"I will now call upon the district attorney to make his/her opening statement. District Attorney, you may proceed."

District Attorney:

(Reads opening statement.)

Court:

"Thank you, district attorney. I will now call upon the attorney for Jess to make an opening statement. Defense Attorney, you may proceed."

Defense Attorney for Jess:

(Reads opening statement)

Court:

"Thank you, counsel. I will now call upon the attorney for Billy to make an opening statement. Counsel you may proceed."

Defense Attorney for Billy:

(Reads opening statement.)

Court:

"As their first witness, the people call Robert to testify. Robert, please take the witness stand and give your testimony."

Robert:

(Reads testimony)

Court:

"As their next witness, the people call Mary. Please take the stand and give your testimony."

Mary:

(Reads testimony)

Court:

"The people have now concluded their case against the defendants. It is now time for the defense to present their case. For their first witness, the defendant Billy calls Sara to testify. Please come forward and give your testimony."

Sara:

(Reads testimony)

Court:

"For his/her second witness, the attorney for Billy calls the defendant, Billy. Please come forward to testify." (Court explains briefly the privilege against self incrimination.)

Billy:

(Reads testimony)

Court:

"For his/her final witness, the counsel for Jess calls the defendant, Jess, to testify. Please come forward to testify."

Jess:

(reads testimony)

Court:

(comment upon inappropriate testimony of Sara and Jess about Robert.)

"Ladies and gentlemen: Every witness and attorney must show respect for the court and other people. Judges do not tolerate name-calling or testimony that has no purpose other than to make you dislike a witness or defendant. Also, a jury may only consider evidence that relates to the guilt or innocence of a defendant. Part of what Sara and Jess just said is not proper evidence. Accordingly, you will disregard the testimony that Robert is "a jerk" and is "fat and ugly".

Court:

"Ladies and gentlemen of the jury you have received all of the evidence in this case. It is now time for the attorneys to present their closing argument. Remember, ladies and gentlemen of the jury, what the attorneys say is not evidence. If anything an attorney says is different from the evidence, you will rely upon what you heard a witness say. The district attorney will now present his/her final argument. Please proceed."

District Attorney:

(Presents closing argument)

Court:

"Thank you, Mr./Ms. District Attorney. Now the attorney for Billy will present his/her final argument. You may proceed."

Attorney for Billy:

(Presents final argument)

Court:

"Thank you, counsel. Now the attorney for Jess will present his/her final argument.

Attorney for Jess:

(Presents final argument)

Court:

"Ladies and gentlemen of the jury, it is now time to present you with your instructions on the law.

First, I will tell you how the law defines a battery. A "battery" is the use of force by one person against another without consent or legal excuse. Even a minor or small touching may constitute a battery; you do not have to hit hard or cause an injury. If one person aids, encourages, or assists a second person in battering a third person, the person who aids is also guilty of a battery. In this case you must decide if Billy battered Robert. You must also decide if Jess aided, encouraged or assisted Billy in committing a battery.

It is a legal excuse or defense for one person to use force upon a second person if the first person is defending himself/herself. If you decide that Billy hit Robert in self-defense, then neither Billy nor Jess is guilty.

However, mere words, signs or signals, no matter how rude or insulting, are not an excuse for hitting the person who made the words, signs, or signals.

Court:

(Determine whether jury will deliberate **in court** or **in class** and proceed with appropriate option. Point out again which jury is for Billy and which one is for Jess).

OPTION 1 (In-court deliberation)

You are now to adjourn and select one of your members to be your foreperson or leader. You will then discuss the case. Each person is to make up his or her own mind and decision, but shall do so after listening to every other juror. You are not to consider the question of punishment; that is for the judge. You are not to base your decision on whether you feel sorry for the victim or you dislike the defendant or any witness. When all of you have made the same decision, your foreperson will fill out and sign the verdict form. If you cannot all agree that a defendant is guilty or not guilty, leave the verdict form blank.

"Will the clerk please swear the bailiff."

Clerk:

(Swears the bailiff, who takes charge of the jury for deliberation. Suggested deliberation is time 15 minutes. It is a good idea to have an adult go into the Jury Deliberation Room with the students, not to participate, just to keep the students "on-track" if necessary.)

Court:

(During jury deliberations, take questions from other students or give chambers tour.) Take jury verdict in normal manner. Proceed to "Concluding Matters" as appropriate after verdict.

OPTION 2 (Classroom deliberation)

Court:

Ladies and Gentlemen of the jury: You will shortly adjourn to your classroom for deliberations. Before you begin your deliberations you will follow these instructions. You are not to talk to anyone or allow anyone to talk to you about any of the testimony you have heard. You are not to form or express any opinion on the guilt or innocence of either defendant. You are not to consult any person or reference about any matter relating to the trial. You may, however, talk to others about general trial procedures. When you arrive at your class, you will select one of your members to be your foreperson or leader. You will then discuss the case. Each person is to make up his/her own mind and decision, but shall do so after listening to every other juror. You are not to consider the question of punishment; that is for the judge. You are not to base your decision on whether you feel sorry for the victim or you dislike the defendant or any witness. When all of you have made the same decision, your foreperson will fill out and sign the verdict form and give it to your teacher. If you cannot all agree that a defendant is guilty or not guilty, leave the verdict form blank. At this point you will be discharged as jurors in this case. You are then free to talk to anyone about the trial.

CONCLUDING MATTERS

Court:

"The formal part of this trial is now concluded. We will now give you a brief tour of the courtroom and adjoining rooms. In a real trial, if the defendant were found guilty, he/she might be taken immediately to jail. I will have my bailiff show you how this is done with the defendants and you will be given a brief tour."

Bailiff and Clerk:

(The class is divided into two groups. **IF APPROPRIATE AND CLEARED WITH THE TEACHER,** the bailiff handcuffs both defendants and takes them and one group into the holding cell (if available) and back to courtroom for questions and answers with the judge. The clerk takes the other group for a brief tour into the judge's chambers and the jury deliberation room. The process is repeated with the clerk and bailiff changing groups. The Judge remains in courtroom to answer questions. Upon conclusion, the class leaves the courtroom.)

Teacher:

If previous arrangements are made with the court administrator, the tour may be extended with a visit to the jury lounge or other areas of the court.

DISTRICT ATTORNEY

OPENING STATEMENT

Good morning ladies and gentlemen,

My name is _____.

I am the attorney for the people of the state of California.

It is my job to present evidence showing the guilt of the defendants.

My evidence will come mostly from Robert and Mary.

The evidence will show that Billy walked into a store with Jess.

In the store they saw Robert.

Robert said something that made Jess mad.

Jess encouraged his friend Billy to hit Robert.

Billy did as he was told and hit Robert in the face.

The evidence will convince you that Billy battered Robert and is guilty.

Billy had no excuse for what he did.

Also, Jess encouraged Billy and should also be found guilty.

Thank you.

DISTRICT ATTORNEY

CLOSING ARGUMENT

Ladies and Gentlemen of the jury:

It is now my duty to explain to you why Billy and Jess are each guilty of battery.

Let me talk about Billy first. The judge will explain that a "battery" occurs when one person hits another without any right to do so. It is clear that Billy hit Robert two times.

Let me now talk about Jess. The judge will explain that a person who aids or encourages another to commit a crime is also a criminal. In this case, Jess told his friend Billy to hit Robert. Jess knew that Billy wanted to remain friends. Billy would do as he was told. So, in telling his friend to hit Robert, Jess aided and encouraged Billy to commit a crime. Jess is guilty.

Let us talk about defenses or legal excuses. The judge will tell you that words or signs are not a reason for one person to hit another person. So, even if Robert said a swear word to Jess and Billy, that is not an excuse to hit Robert. Even if Robert made a nasty sign, that is not an excuse to hit Robert.

Billy was not defending himself or anyone else. Robert did not try to hit anyone. Thus, Billy was not defending against anything.

The judge will say that you are to decide if you believe the witnesses. There is one person who had no reason to lie or bend the truth. That person was Mary. You should believe her. The witnesses for the defense have reasons to lie.

The evidence shows that Billy is guilty of a battery. Jess is guilty of battery because he aided and encouraged Billy.

Thank you.

ATTORNEY FOR BILLY

OPENING STATEMENT

Good morning ladies and gentlemen,

My name is _____.

I am the attorney for the defendant Billy.

Billy is accused of hitting Robert, which is battery.

The evidence will show that my client is not guilty.

My evidence will come mostly from Billy and Sara.

Robert started the fight by making a rude sign and saying bad words.

So, Robert deserved anything that happened to him.

Finally, the witnesses against my client could not see what really happened.

Thank you.

ATTORNEY FOR BILLY

CLOSING ARGUMENT

Good morning again,

You now have heard all of the evidence and the judge will tell you the law.

It is my job to explain why Billy is not guilty.

It is the job of the jury to decide if the witnesses are telling the truth, in whole or in part.

You should not believe Robert. He is known as a fighter. He looked like he wanted to fight.

You should believe Sara. She seemed like an honest person.

The judge will tell you that self-defense is an excuse for hitting someone. Also, Robert is a bully and a fighter. Billy was afraid of Robert.

Finally, Robert said some **very, very** bad words and made a **very** rude sign to Billy and Jess. So, when Billy hit Robert, Billy was defending himself. He was also defending Jess. Billy is not guilty.

Ladies and Gentlemen of the jury, for those reasons, you should find Billy "not guilty" of the crime.

Thank you.

ATTORNEY FOR JESS

OPENING STATEMENT

Good morning ladies and gentlemen,

My name is _____.

I am the attorney for the defendant Jess.

Billy is accused of hitting Robert, which is battery.

Jess is accused of causing Billy to do the hitting.

The evidence will show that my client is not guilty.

My evidence will come mostly from Sara, Robert and Jess.

Robert started the fight by making a rude sign and saying bad words.

Jess did not hit anyone.

Also, Jess really did not think that Billy would do anything to Robert. Jess was only kidding.

Finally, the witnesses against my client have reasons to lie.

Thank you.

ATTORNEY FOR JESS

CLOSING ARGUMENT

Good morning Ladies and Gentlemen,

You have now heard all of the evidence and the judge will tell you the law.

You should believe Sara. She seemed like an honest person. Sara knows Robert and said he is not a nice person. He is known as a fighter.

Jess is not guilty for another reason. When he told Billy to "get Robert", Jess was only kidding. He did not think that Billy would hit Robert. Billy did the hitting on his own. Jess did not make him.

Ladies and Gentlemen of the jury, for those reasons, you should find Jess "not guilty" of the crimes.

Thank you.

ROBERT

My name is Robert. I am a senior at the local high school.

I play in the band. The band is always near the football team during games so I often speak to the players.

I was shopping in the 7/11 store when I saw Jess and Billy come in. I waved at them from the back of the store.

For no reason, Billy ran over and hit me twice. The first punch broke my nose.

The second punch hit me above the eye.

I went to the hospital where I received stitches.

My parents spent $400.00 on medical bills. I now have a scar above my eye.

I did not swear at anyone in the store. I did not make any rude signs or signals with my hands.

MARY

My name is Mary.

I am the clerk at the 7/11 store.

I am in my second year of college. I was given money to go to college because of my good grades and school citizenship.

Robert was in the store first. Then Jess and Billy came in.

Robert made a nasty hand sign at Jess. Then Robert made a remark to Jess and Billy about their race.

I saw Jess point at Robert and say something to Billy. I could not hear what Jess said.

Billy then rushed up to Robert and punched him.

I saw Billy slug Robert in the face twice with a fist.

I called the police. An officer arrived within minutes.

I know Sara quite well. She wants to be the girlfriend of Jess. Sara would not say anything to hurt Jess.

I do not think you should believe Jess. Everyone knows that he will lie if he needs to.

Everyone in school knows that Robert likes to fight.

SARA

My name is Sara. I am 17 years old.

I work at a pizza store. I did not graduate from high school.

Jess is the most popular boy in high school. He is also the quarterback on the football team.

I came into the 7/11 just after Jess and Billy entered. I wanted to talk to Jess.

I heard Robert say something nasty to Jess. Everybody thinks Robert is a jerk. Somebody told me Robert fights a lot and is a bully. He is also from another country. He speaks funny and wears strange clothes. In the place he comes from, the people fight all the time and kill each other.

Billy ran up to Robert and hit him. Robert deserved it.

The punch was not hard.

BILLY

My name is Billy. I am 18 years old.

Jess is my good friend.

I was in 7/11 with Jess.

I saw Robert come into the store.

Robert made a sign with his hand. He was showing lack of respect. He has done this before and I told him not to do it again.

Jess then told me to beat up Robert. Jess promised to give me $5.00 if I hit Robert.

Robert looked like he wanted to fight. I went over and hit Robert one time.

Robert fell down. Then the store clerk called the police.

Jess was there with me. I would not have fought if Jess had not asked me to.

JESS

My name is Jess and I am 18 years old.

I was with my friend Billy in a 7/11 store.

I saw Robert come in. He is fat and ugly and always showing off his money and new clothes.

I heard Robert swear at Billy.

I told Billy that someone should take care of Robert.

I did not think that Billy would do anything. I was only joking.

Billy went over to Robert. I did not see what happened.

I did nothing wrong.

Please believe me. If I am found guilty, my parents will be really mad at me.

STUDENT COURT
_____ELEMENTARY SCHOOL
STATE OF CALIFORNIA

People of the State of California,)
Plaintiff)
)
Vs.)
)
Billy and Jess)

Case No. 100001

JURY VERDICT
FOR JESS

We, the jury in this case, find JESS is _____.

(write "guilty" or "not guilty")

Dated:_____.

_____
(Foreperson's signature)

STUDENT COURT
_____ELEMENTARY SCHOOL
STATE OF CALIFORNIA

People of the State of California,) Plaintiff)) Vs.)) Billy and Jess)	Case No. 100001 JURY VERDICT FOR BILLY

We, the jury in this case, find BILLY is _____.

(write "guilty" or "not guilty")

Dated:_____.

_____
(Foreperson's signature)

INTRODUCTION TO TEACHING MATERIALS

GOALS

- Introduce students to our court system.
- Facilitate students' understanding of the concept of consequences for breaking rules/laws.
- Facilitate student understanding of non-violent resolution of disputes.
- Facilitate student understanding of reaching conclusions based upon fact rather than opinion.

TARGET AUDIENCE

Fourth and fifth grade students

PROGRAM COMPONENTS

- Classroom instruction utilizing lesson plans for pre and post court visit
- Class visitation to a San Diego County Superior court for a visit and tour of a working courtroom
- Student participation in a mock trial as moderated by a Superior Court Judge
- Opportunity for post visit communication between students and judge via email and/or FAX

LESSON PLANS

LESSON 1

What do we know about trials and courtrooms?

OPTIONS: Quickwrite/Pair & Share/ Whole Class Discussion
Begin KWL process
K - What we know
W - What we want to know
L - What we have learned *(post visit)*

Make a list/chart of courtroom vocabulary.
Students make diagrams of courtrooms labeling people (roles), areas, etc.

LESSON 2

Why do/should we have courts/trials?

Discussion begins with question: How do kids settle disputes at school?

Compare this with what students know about settling disputes in court.

LESSON 3

What does it mean to give your word of honor?

Vocabulary review: oath
swear
promise

Option: Utilize as dictionary practice/lesson.

1. Think/Pair/Share times when you gave your word or someone gave his or her word to you. Why? Was the word kept? If not, why not? What were the positive/negative feelings you had about this situation?

2. Is it okay to break an oath, promise, and your word of honor? If so, when is it okay?

   Discuss why it would be important to give your word of honor or promise when involved in a courtroom trial.

LESSON 4

People involved in courtroom trials have different jobs.

Discuss the responsibilities/duties of courtroom personnel:

judge	court clerk
bailiff	defendant
attorney	plaintiff
witness	court reporter
interpreter	jury
juror	foreperson

Other courtroom vocabulary:

deliberate	honor
verdict	oath

Use Vocabulary Match Activity (page 31)

As an alternative, or follow-up activity, play bingo using the terms and definitions. For an easy Bingo card, have students fold a sheet of 81/2 x 11" paper in 16 squares then randomly write in the vocabulary terms.

Prepare students for trip to courthouse.

State expectations for behavior in courthouse/courtroom (see page 46)

With your assistance, have the students prepare questions to ask the judge.

LESSON 5

Courtroom Visitation/Mock Trial

Please refer to the "Master Script" for the order of events occurring in the courtroom. The judge and courtroom personnel will precisely follow this script.

When students arrive in the courtroom, the clerk will invite them inside the rail to the well area, where they will have the opportunity to view the bench, jury box, court clerk's and bailiff's work stations, council tables, witness stand, court reporter and interpreter's chairs. Students will then be seated in the audience area. (The opportunity to see this up close prior to the trial is intended to reduce the amount of distraction once the trial begins).

The teacher will provide the Court Clerk with three copies of students' names with roles assigned. The teacher should select good readers for the following roles:

District attorney
Defense attorney for Billy
Defense attorney for Jess
Billy (defendant)
Jess (defendant)
Robert (witness)
Mary (witness)
Sara (witness)

Roles without reading parts:

Court Reporter
Interpreter
Jury for Billy (½ the remainder)
Jury for Jess (½ the remainder)
(If insufficient students for two juries, use just one.)

Students WILL NOT be made aware that a trial will take place or of their roles prior to being called by Court Clerk.

Scripts for all the students having reading parts are provided. These will be handed to the students by one of the court staff.

The students selected as defendants should be those who are poised enough to be handcuffed and led to holding cell. Advise the judge if you believe this is inappropriate.

Two juries are used which provides for maximum involvement of all students. The number of students will adjust the size of each jury in attendance. Court personnel will assign one jury to sit in the jury box, and the other will be assigned to another location, if they will not fit in the Jury Box..

Immediately following the court trial, the students will be divided into two groups. They will be escorted on a tour of the judge's chambers, the jury deliberation room, and courtroom holding cell. Once all students have reentered the courtroom they will have the opportunity to ask questions of the judge.

LESSON 6 - Post court visit

What is the responsibility of a juror?

Discuss—including the oath the jurors take—use overhead with exact oath, or provide students with copies.
Review fact vs. opinion and the concept of reasonable doubt.

Students will be divided once again into the two juries. **Students who had non-juror roles can make up a third jury, or can be divided between the other two juries.** Each group will deliberate the case separately, provide its verdict, then discuss it with the whole class.

If this is not done directly after the court visit, the teacher should review the testimony. The teacher should offer major points of the case.

The teacher should consider assigning the role of jury foreperson rather than allowing the students to select the person. This will reduce the time spent in the deliberation process.

LESSON 7

Follow-up Activities

- Revise KWL chart to include what has been learned.
- Write letters of appreciation to the Superior Court Judge.
  - *Include the verdict each jury reached, and some **details about the reasons for the verdict.***
- Write a report about the project/field trip, and what has been learned.
- Write a fiction story that would include the main features of a trial.
- Compare a jury trial with the experience 49ers had in their mining camps (if the timing of social studies curriculum fits with court visit).
- Complete crossword puzzle.
- Complete word search.
- Dialogue via email/FAX with the Superior Court Judge visited. Students can ask questions and receive responses directly from the judge.
- Suggestion from Scholastic magazine, March, 1999, "Let the Jury Decide".

Use the book Shiloh to demonstrate how jurors reach a verdict. Conduct a classroom trial after reading the story of Shiloh. The conflict in the story centers on 11-year-old Marty Preston's decision to take in and hide his friend's mistreated beagle. Students can be divided into three groups: the prosecution, who argue that Marty was wrong to take Shiloh without permission and should return him to his owner; the defense, who claim that Marty's action was right because he did it for a good cause; and the jury, who decides whether Marty was wrong or right in light of the facts. The teacher plays the role of judge, advising the jury to be on the lookout for misleading statements of opinion.

The reading of this book could also be used as a GATE assignment, with a compare and contrast book report.

Understanding what is expected behavior in the courthouse:

1. When walking through the courthouse hallways walk to the right and 2 by 2. This will ensure that other users of the courthouse will have room to pass in the same hallway.

2. Each courtroom has limited space for observers. If your group is larger than 12 - 15 people divide your group into at least two smaller groups and have each smaller group visit a separate courtroom. Groups should be a maximum of 15 people.

3. When entering courtrooms for observation, enter quickly, go all the way to the end of the row of seats and take a seat quietly. Rules for courtroom behavior and courtroom etiquette allow no talking, whispering, giggling, rustling of papers, hats, excessive noises (sneezes or coughs), or movement in your seats. These constitute disruptions that the judge will not tolerate and that make it difficult for the jury to hear and for the Court Reporter to hear and record what is being said in the courtroom.

4. If any person or persons in your group are asked to leave the courtroom by the judge, bailiff, courtroom clerk, or court guide, they must leave immediately and **without argument.**

5. It is expected that you will show respect to all court staff, Sheriff and security officers, and private individuals you meet while you are in the courthouse. Failure to meet this expectation will result in your being asked to leave and in notification of your school principal or agency director.

6. It is expected that you will carefully treat the property within the courthouse. This includes restrooms, water fountains, elevators, phone booths, furniture and the cafeteria. Failure to meet this expectation will result in notification of your school principal or agency director.

Be ready to enter the courtroom:

1. No food, gum, or anything that rattles
2. Turn off all pagers and/or cell phones
3. No drinks, cameras, or tape recorders
4. No hats in the courtroom

During Court Session:

1. Sit very quietly. The bailiff will remove you from the courtroom if you are not very quiet. This means no laughing, whispering, giggling, talking, or applauding.

2. Be attentive and do not change seats.

3. **When there is no action in the courtroom,** leave quickly and quietly. Do not talk until the door is closed and you are outside the courtroom.
   Remember that distractions could be detrimental to a court case.

4. Blend in with the furniture, and do not make any contact with jury members. IT WILL CAUSE A MISTRIAL AND OPEN YOU AND THE SCHOOL TO PROSECUTION.

5. Never leave while a witness is on the stand or discussion is in progress. Some judges will not allow anyone to leave the courtroom while court is in session. Observe the rules of the courtroom you are visiting.

VOCABULARY:

judge	A public official, either elected by the people or appointed by the Governor to hear and decide cases in a court of law.
court clerk	The person who keeps correct records of all official court decisions and proceedings. The clerk swears in witnesses, keeps all exhibits, keeps minutes of all court activities.
bailiff	A deputy marshal who is responsible for the jury in a trial, and the security of the court. This includes the custody of the defendant in a criminal case.
jury	The people who decide if a person is guilty or not guilty in a criminal case, or if the defendant owes the plaintiff anything in a civil case.
defendant	The person charged with a crime, or in a civil case the person who is being sued.
attorney	A lawyer who represents a plaintiff or defendant.
plaintiff	A person who is suing another.
court reporter	The person who records exactly what is said in a court trial.
witness	A person who gives a statement in court about what he/she saw or heard in the case.
interpreter	A person who translates English into other languages for witnesses and other people in court who do not speak English.
juror	A person, along with others, who decides if the person is guilty or not guilty in a criminal case, or if the defendant owes the plaintiff anything in a civil case.
deliberate	The talking the jury does with each other to decide guilt or innocence after hearing witnesses and evidence.
verdict	The decision of the jury when it has finished deliberating.
oath	A pledge or promise.
on one's honor	Staking one's good name on one's truthfulness, trustworthiness or reliability.

foreperson	The person selected by the jurors to be in charge of the deliberations and to speak for the jury.

Additional vocabulary:

rail	fact	proof	bias	crime	chambers
guilty	truth	case	motive	versus	innocent
adjourn	evidence	testimony	argument	well	counsel
legal	sidebar	appeal	recess	reasonable doubt	

Name_____

VOCABULARY MATCH

Match the word to its correct meaning by writing the number of the meaning on the line next to the vocabulary word.

_____ defendant	1. A public official, either elected by the people or appointed by the Governor to hear and decide cases in a court of law.
_____ foreperson	2. The person who keeps correct records of all official court decisions and proceedings. The clerk swears in witnesses, keeps all exhibits, keeps minutes of all court activities.
_____judge	3. A deputy marshal who is responsible for the jury in a trial, and the security of the court. This includes the custody of the defendant in a criminal case.
_____verdict	4. The people who decide if a person is guilty or not guilty in a criminal case, of if the defendant owes the plaintiff anything in a civil case.
_____on one's honor	5. The person charged with a crime, or in a civil case the person who is being sued.
_____court clerk	6. A lawyer who represents a plaintiff or defendant.
_____deliberate	7. A person who is suing another.
_____interpreter	8. The person who records exactly what is said in a court trial.
_____witness	9. A person who gives a statement in court about what he/she saw or heard in the case.
_____bailiff	10. A person who translates English into other languages for witnesses and other people in court who do not speak English.
_____attorney	11. A person who, along with others, decides if the person is guilty or not guilty in a criminal case, or if the defendant owes the plaintiff anything in a civil case.

_____court reporter	12. The talking the jury does with each other to decide guilt or innocence after hearing witnesses and evidence.
_____juror	13. The decision of the jury when it has finished deliberating.
_____plaintiff	14. A pledge or promise.
_____oath	15. Staking one's good name on one's truthfulness, trustworthiness or reliability.
_____jury	16. The person selected by the jurors to be in charge of the deliberations and to speak for the jury

OATHS

The word "honor" has been defined as "that which confers distinction or respect". Honor is directly linked to character. We often say that people who live up to their word or carry out their promises are "honorable" people. On the other hand, people who commit crimes or do not live up to their word are often called "dishonorable. The idea of "honor" is built into our system of justice. The people who participate in a trial are asked to give their word or make a promise. The way these promises are made is by an "oath", which is an official promise. The oaths taken by the various trial participants show what their duties are. Those oaths are set forth below:

OATH TAKEN BY ALL JUDGES AND ATTORNEYS:

I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

OATH TO PROSPECTIVE JURORS:

I understand and agree that I will accurately and truthfully answer, under penalty of perjury, all questions asked of me concerning my qualifications and competency to serve as a trial juror; and failure to do so may subject me to criminal prosecution.

OATH TO TRIAL JURORS:

I agree and understand that I will well and truly try the case and render a true verdict according to the evidence presented and the instructions given by the judge.

OATH TO WITNESSES;

I solemnly swear the testimony I shall give in this case shall be the truth, the whole truth and nothing but the truth.

OATH TO INTERPRETER:

I solemnly swear that I will well and truly interpret English into Spanish and Spanish into English, to the best of my ability.

OATH TO BAILIFF PRIOR TO DELIBERATIONS:

I solemnly swear that I will take charge of the jury and keep them together, that I will not speak to them on any subject connected with this case, except on order of the judge; and when they have agreed upon a verdict, I will return them to this courtroom.

CROSSWORD PUZZLE

ACROSS

1. A person who is suing another.
6. A public official who hears & decides cases in a court of law.
8. The person being sued or who is charged with a crime.
9. A deputy Sheriff who is responsible for the security of a court.
10. The 12 people who decide if a person is guilty or not.
12. The person who records exactly what is said.

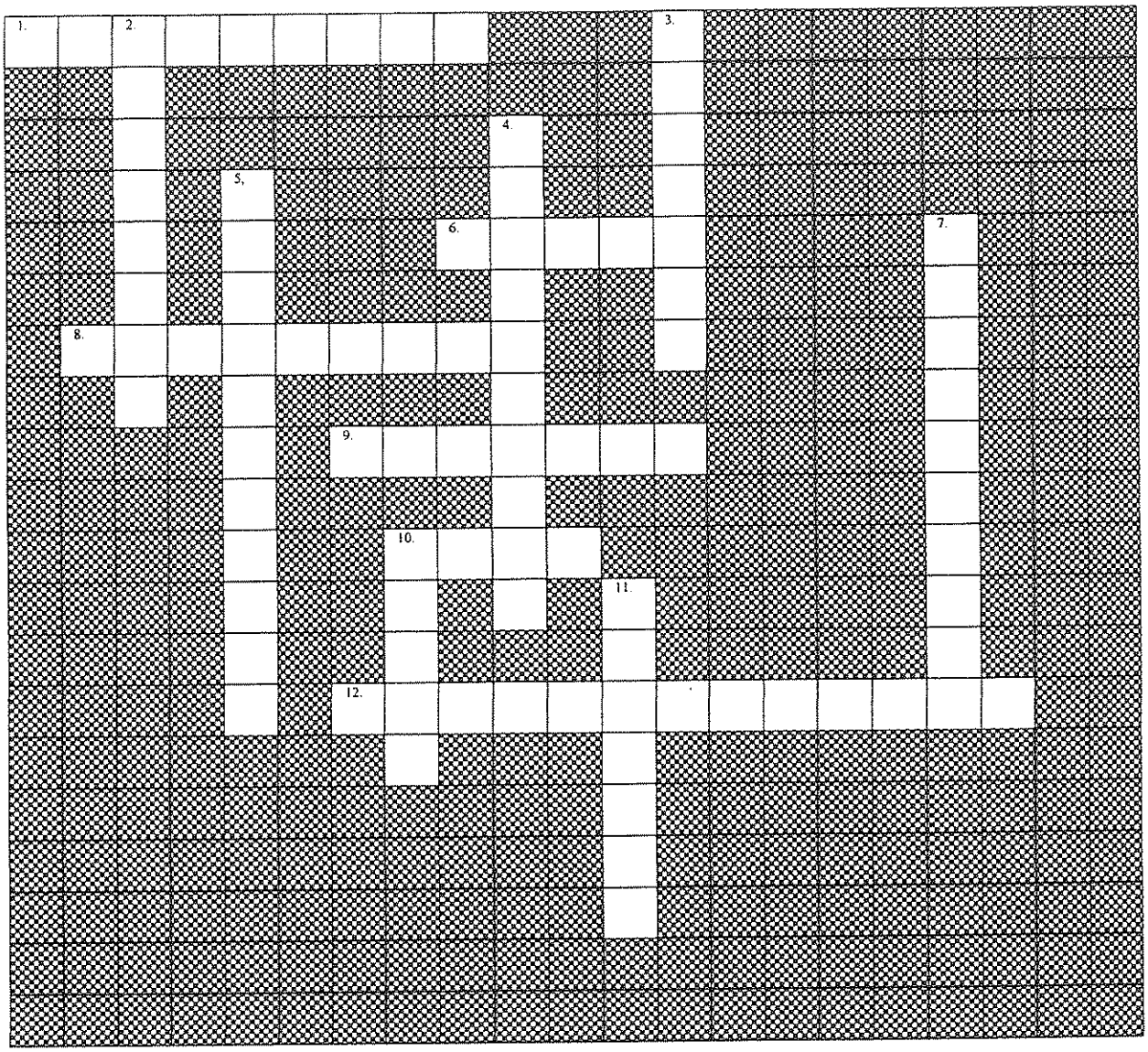
DOWN

2. A lawyer who represents a plaintiff or a defendant.
3. A person who says in court what he or she saw or heard.
4. The person who keeps the records of the court decisions.
5. A person who translates English into other languages.
7. The discussion the jury has with each other to decide guilt or not.
10. A person who is one of twelve who decides on a defendant's guilt.
11. The decision of the jury when it has finished deliberating.

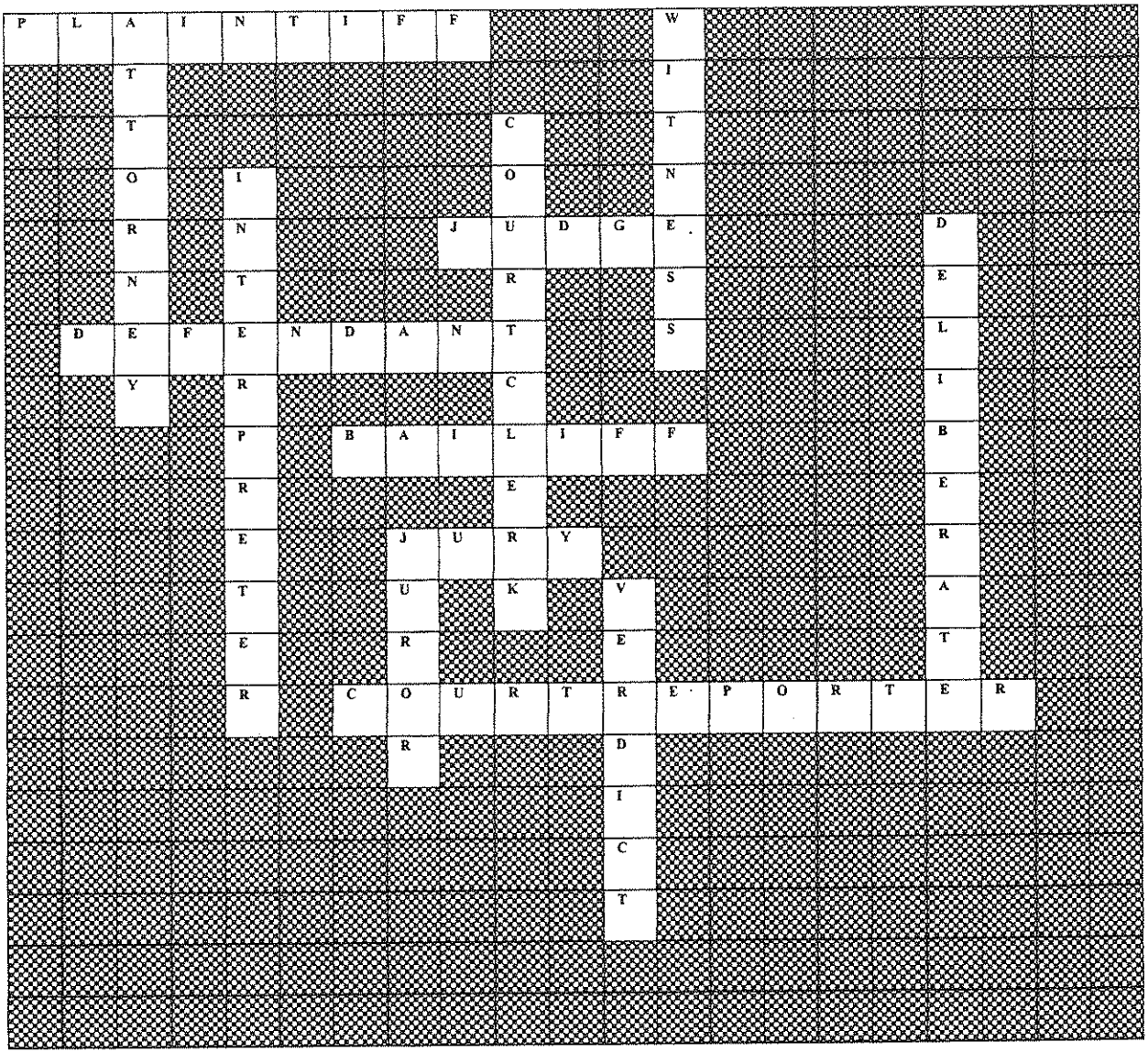
Word List: COURT VOCABULARY

ATTORNEY
BAILIFF
COURTREPORTER
COURTCLERK
DEFENDANT
DELIBERATE
INTERPRETER
JUDGE
JURY
JUROR
PLAINTIFF
VERDICT
WITNESS

CROSSWORD PUZZLE



ANSWER KEY: COURT VOCABULARY CROSSWORD PUZZLE



ON MY HONOR WORD SEARCH

You will find the words vertically, horizontally and diagonally in this puzzle.

B	O	A	M	V	Z	O	P	L	S	F	I	C	A
R	I	W	K	E	P	S	J	U	R	Y	G	X	S
F	A	Z	C	R	A	H	U	N	V	L	T	B	P
J	A	O	I	D	F	P	D	O	U	B	T	O	U
D	T	G	R	I	Y	T	G	C	A	S	E	V	E
K	T	J	Z	C	D	U	E	W	M	A	L	K	C
C	O	U	R	T	C	L	E	R	K	G	G	I	B
O	R	Q	F	D	E	L	I	B	E	R	A	T	E
U	N	S	B	E	V	I	D	E	N	C	E	G	S
R	E	W	M	A	Q	E	H	O	N	O	R	J	M
T	Y	F	J	B	I	O	R	L	H	U	Z	E	B
R	N	O	U	F	P	L	A	I	N	T	I	F	F
E	R	R	R	K	A	D	I	T	C	L	B	G	K
P	P	E	O	N	O	C	C	F	I	C	C	R	L
O	J	P	R	S	G	J	T	P	F	M	D	S	P
R	D	E	F	E	N	D	A	N	T	X	A	N	T
T	H	R	O	W	W	I	T	N	E	S	S	R	Q
E	V	S	X	A	S	Y	F	J	Z	H	O	E	D
R	K	O	P	J	T	X	L	P	C	N	S	I	G
M	H	N	Q	B	F	H	H	R	P	O	Z	N	Y

Find the following words:

witness
juror
court clerk
attorney
oath
verdict
honor
plaintiff
foreperson
court reporter
jury
evidence
fact
defendant
deliberate
judge
case
doubt
bailiff

WORD SEARCH KEY

B	O	A	M	V	Z	O	P	L	S	F	I	C	A
R	I	W	K	**E**	P	S	**J**	**U**	**R**	**Y**	G	X	S
F	A	Z	C	**R**	A	H	**U**	N	V	L	T	B	P
J	**A**	O	I	**D**	F	P	**D**	**O**	**U**	**B**	**T**	O	U
D	**T**	G	R	**I**	Y	T	**G**	**C**	**A**	**S**	**E**	V	E
K	**T**	J	Z	**C**	D	U	**E**	W	M	A	L	K	C
C	**O**	**U**	**R**	**T**	**C**	**L**	**E**	**R**	**K**	G	G	I	B
O	**R**	Q	F	**D**	**E**	**L**	**I**	**B**	**E**	**R**	**A**	**T**	**E**
U	**N**	S	**B**	**E**	**V**	**I**	**D**	**E**	**N**	**C**	**E**	G	S
R	**E**	W	M	**A**	Q	E	**H**	**O**	**N**	**O**	**R**	J	M
T	**Y**	**F**	**J**	B	**I**	O	R	L	H	U	Z	E	B
R	N	**O**	**U**	**F**	**P**	**L**	**A**	**I**	**N**	**T**	**I**	**F**	**F**
E	R	**R**	**R**	K	**A**	D	**I**	T	C	L	B	G	K
P	P	**E**	**O**	N	O	**C**	C	**F**	I	C	C	R	L
O	J	**P**	**R**	S	G	J	**T**	P	**F**	M	D	S	P
R	**D**	**E**	**F**	**E**	**N**	**D**	**A**	**N**	**T**	X	A	N	T
T	H	**R**	**O**	W	**W**	**I**	**T**	**N**	**E**	**S**	**S**	R	Q
E	V	**S**	X	**A**	S	Y	F	J	Z	H	O	E	D
R	K	**O**	P	J	**T**	X	L	P	C	N	S	I	G
M	H	**N**	Q	B	F	**H**	H	R	P	O	Z	N	Y