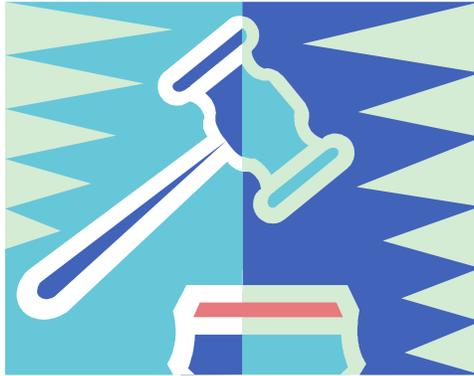


New Jersey's Judiciary: Trials, Decisions and Settlements



Lesson Creator: Laura Oliynik, White Rock School, Jefferson Township, NJ

Grade Level: 3-5

Objectives: Students will be able to explain how a jury trial is conducted.

Time Required: Two-three class periods

New Jersey Student Learning Standards for Social Studies (2020):

6.1.5.CivicsPI.2: Investigate different ways individuals participate in government (e.g., voters, jurors, taxpayers)

6.1.5.Civic.DP.1: Using evidence, explain how the core civic virtues and democratic principles impact the decisions made at the local, state, and national government (e.g., fairness, equality, common good).

6.1.5.CivicsDP.2: Compare and contrast responses of individuals and groups, past and present, to violations of fundamental rights (e.g., fairness, civil rights, human rights).

6.1.5.CivicsPR.1: Compare procedures for making decisions in a variety of settings including classroom, school, government, and /or society.

Essential Questions:

- What is a trial?
- What is a “mock trial”?
- What is the role of a judge?
- What is the role of a juror?
- What is the structure of the state courts in New Jersey?
- What is “procedural justice” and why is it important?

Materials:

- Judicial Branch reading and vocabulary terms

- 1 mock trial script for each student
- jury duty slips
- juror badges
- classroom set up like a courtroom
- graduation gown (for judge to wear)
- gavel (optional, can usually get a plastic one at a party store or online)
- verdict slips
- props may include a bible or dictionary for witnesses to be sworn in, a lunchbox as evidence

Vocabulary

- Procedural Justice
- Trial
- Appellate
- Jury
- Juror
- Judge
- Impartial

What is a trial?

A trial is a formal examination of evidence before a judge, and typically before a jury, in order to decide guilt in a case of criminal or responsibility in civil proceedings. The trial must follow due process rules that ensure that it is conducted impartially.

What is a “mock trial”?

A mock trial is a simulation or enactment of a judicial proceeding in a trial court.

What is the role of a judge?

Judges, who are appointed in New Jersey but elected in most states, preside over court proceedings, including civil and criminal cases. The judge must conduct the trial impartially. The judge gives instructions to the jury and in cases with no juries, decides on the facts and the rulings.

What is the role of a juror?

A jury is a body of people from the community who are summoned to a trial to consider the evidence introduced and decide the facts in accordance with the principles of law laid down by the judge’s charge to the jury. Juries developed in England during the Middle Ages, and are a hallmark of the Anglo common law legal system.

How many kinds of courts are there in New Jersey? Here is a summary. For additional information go to <https://www.njcourts.gov/public/kids/library.html>

Municipal courts

A municipal court is a local court in a city or town. Some smaller towns or townships might share a municipal court. Municipal courts have limited jurisdiction. That means that they only handle certain kinds of court cases. Municipal courts primarily handle parking and traffic tickets, minor criminal offenses and violations of local ordinances. Municipal court cases are decided by judges, not juries.

Trial Courts

A trial helps people who disagree resolve their disagreement without fighting. A trial helps the court find out if someone broke the law or caused harm to someone. Trials are a much better way to deal with a disagreement than fighting. For this reason, trials play an important role in a peaceful society. Trials only work if everyone involved in them agrees that they are fair and just. Otherwise they might not agree to live with the outcome of the trial. Every trial has a plaintiff, the person or business that brought a complaint to court—an announcement that a person, group or entity has harmed the plaintiff. In criminal cases, the plaintiff is the State of New Jersey representing the people of the state. It is the government's job to make sure people who break the law are caught and punished.

Appellate courts

The Superior Courts of New Jersey include a Trial Division and an Appellate Division. The judges on the Appellate Division review the cases sent to them from the trial division.

New Jersey State Supreme Court

The state supreme court in New Jersey includes seven justice appointed by the governor. The New Jersey State Supreme Court only hears certain cases:

1. A case about a new law;
2. Where the two or three Appellate Division judges do not agree with each other on how a case should be decided;
3. An inconsistency in decisions;
4. A case that has been appealed and the Supreme Court believes that it is so important that it could affect many of New Jersey's citizens for years to come.

United States Courts

The U.S. Constitution is the supreme law of the land in the United States. It creates a federal system of government in which power is shared between the federal government and the state governments. Due to federalism, both the federal government and each of the state governments have their own court systems. State courts make the final decisions involve state law and constitution. Federal courts interpret federal laws and the U.S. Constitution. When state courts decisions involve the interpretation of federal law or the U.S. Constitution, they may be appealed to the U.S. appellate courts.

Procedural Justice

Procedural justice refers to the fairness of the procedure used to gather information and make decisions. Police often need information about people they think have broken the law. How they get this information is important. Courts have procedures for gathering information and making decisions that include:

- the right to tell your side of the story
- the right to have a friend or lawyer help tell your side of the story
- the right to have witnesses who support you
- the right to question witnesses who testify against you
- the right to an impartial judge and jury

Local school boards, city councils, the president of the United States and Congress all need to gather information and make decisions, using fair procedures.

Procedural justice is important because it:

- increases the chances of getting the information needed to make wise and fair decisions
- ensures the wise and fair use of the information in making decisions.
- Protects important individual rights, such as freedom, liberty and dignity.

Have students identify the procedural justice issue in each of these situations:

1. Rosie thought someone in the class had taken her radio. During recess while everybody was on the playground, Rosie went back into the classroom and searched every desk.

This is not procedural justice. Student desks cannot be secretly searched. And Rosie is not an appropriate authority to search desks.

2. The police arrested Jed for kidnapping. Jed's lawyer asked for a trial by jury. Twelve jurors had to be chosen from a group of 100 people. Jed's lawyer had the right to question each person. She could refuse to accept people she thought might be prejudiced against Jed.

This is part of procedural justice. The lawyer for a defendant in a criminal case has the right to question the potential jurors to eliminate people who might be prejudiced against the defendant.

From *Foundations of Democracy: Justice*, for elementary grades (center for Civic Education)

Procedure for conducting a Mock Trial:

Prior to the mock trial day, do the following:

1. Read about the Judicial Branch with the class by visiting the following website:
<https://www.njcourts.gov/public/kids/learnmore.html>

2. Discuss court case vocabulary with students
 2. Choose 5 students for reading parts- More fluent readers should be attorneys and defendant, less fluent readers could be witnesses. Give them highlighted scripts ahead of time and make sure they are comfortable with having a reading part. Tell them to read over their parts before mock trial day.
 3. The rest of the students will be jurors. Hand out “Jury Duty” slips that let them know where and when they will need to report for jury duty.
 4. Plan for setting up a classroom as a courtroom, and plan for props.

On mock trial day, set up classroom to look like a courtroom.

1. Line both sides of the classroom with desks for jurors to sit, and middle should be for attorneys, defendant, and witnesses.
2. Jurors will enter. Give them each a badge and a script to follow. They should also have a form to fill out with the verdict choices.
3. Once everyone is in their places, go through the mock trial script, with the jurors listening to details. At the end, the attorneys, witnesses, and defendant can sit outside for a few minutes while the jury deliberates. Call everyone back together when they are ready and read the verdict.

At the end of the mock trial, discuss why it is more fair for a group of people to be on a jury instead of just one person and what “innocent until proven guilty” means (this can also be written out on the ticket out slip).

Assessment:

Student participation in Mock Trial, Ticket Out Slip Responses

Extension:

- Have students participate in the New Jersey State Bar Foundations’ annual mock trial law fair for grades 3-6. For information, go to <https://njsbf.org/school-based-programs/mock-trial/law-fair-competition-for-grades-3-to-6/>
- Have students play the NJ Courts Kids games at <https://www.njcourts.gov/public/kids/games.html>
- Engage students in the New Jersey State Bar Foundation’s activities for elementary students at <https://njsbf.org/school-based-programs/mock-trial-civics-online-content/>

COURT CASE GLOSSARY!

ATTORNEY- a lawyer

PROSECUTING ATTORNEY- a lawyer who works for the state government that is trying to prove that the criminal is guilty

DEFENSE ATTORNEY- a lawyer who works for the accused criminal who is trying to prove that he/she is not guilty

DEFENDANT- the person who is accused of a crime

WITNESS- Someone who was present at the time of a crime

GUILTY- having committed a crime

NOT GUILTY- NOT having committed a crime

OBJECTION- when someone does not approve of what is being said, something is unfair

SUSTAINED- to support an objection, to agree that something was not fairly said

VERDICT- the decision made by the jury

JUROR/JURY- a group of people who make the decision or verdict in a court case

ADJOURN- to end or postpone a case

JUROR SUMMONS

The Judiciary welcomes your participation as a juror. Jury service is one of the highest duties of a citizen, and we recognize the sacrifices you are making in terms of your time and energy. We hope that your juror experience will be interesting and that you take satisfaction from your contribution to the administration of justice in New Jersey.

YOU MUST REPORT TO _____(classroom location)

ON _____ (date) AT _____(time).

N.J.S. 2B:20-14b. Every person summoned as a grand or petit juror who shall either fail to appear or refuse, without reasonable excuse, to serve, shall be liable for a fine not to exceed \$500 ... or may be punished for contempt of court.

(Summons created for educational purposes with wording from <http://www.judiciary.state.nj.us/pressrel/OFFICIAL%20BUSINESS%20JURY.pdf>)

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(Summons created for educational purposes with wording from

Group #1

Juror

JUROR

Group #1 # _____	Juror
JUROR	
Group #1 # _____	Juror
JUROR	

Reference for answering questions about serving on a jury:
<http://www.judiciary.state.nj.us/hudson/jury/jury.htm>

Name: _____

Notes Section: As you listen to the case, you may list notes below from the case of evidence that Harry is guilty or not guilty.

Evidence Harry is GUILTY	Evidence Harry is NOT GUILTY

JUROR VERDICT SECTION:

Based on the evidence of the case, I determine that Harry Stickyfingers is:

- GUILTY of stealing the lunchbox*
- NOT GUILTY of stealing the lunchbox

***If you chose GUILTY, select one punishment below:**

- Harry Stickyfingers will have to spend his recess time in the principal's office for two weeks.
- Harry Stickyfingers will have to spend his recess time cleaning the cafeteria for one month.
- Harry Stickyfingers will eat his lunch in the office for two weeks, and lose recess for one week.

Name: _____

New Jersey's Judicial Branch

Mock Trial!

The Crime: A Review

A fourth grader at _____ School named Harry Stickyfingers has been accused of stealing lunches from students who bring their lunches to school. He has been committing these crimes while classes have been gone for their morning specials. Last week, he was eating a lunch that was declared stolen earlier that day. Harry claims he just happened to have the same lunch as someone else.

~~~~~

For this mock trial, I am a: (circle one)

Judge

Juror

Prosecuting Attorney

Defendant

Defense Attorney

Witness

~~~~~

Mock Trial Script:

SCENE: A courtroom. The judge is seated at the front of the room. The prosecutor's side is in front of the judge to the left and the defendant's side is in front of the judge to the right. The witnesses are seated behind two sides and the jurors are seated to the side of the court floor.

THE HONORABLE JUDGE (Hit Gavel): This is the case of Harry Stickyfingers versus _____ Elementary School. As I understand the pleadings, the charge against Mr. Stickyfingers is stealing from school property. Now, are there any opening statements?

DEFENDING LAWYER: Your honor, in this case, we will show that on October 10, the defendant Harry Stickyfingers was indeed out of his classroom at the time that the lunches were stolen. However, we have a witness who will testify to prove that there is no way that Harry could have stolen the lunches. He was busy doing other things with his school day. We will show that it is impossible for Harry to have stolen the lunches, and explain where the lunch he was eating came from.

THE HONORABLE JUDGE: Does the Attorney against Mr. Stickyfingers have any opening statement?

PROSECUTING ATTORNEY: Your honor, any suggestion that Mr. Stickyfingers is innocent of this crime is ridiculous. We will show that the lunch that Mr. Stickyfingers was eating was a stolen lunch and not his. Also, we will prove that Mr. Stickyfingers was seen near the classrooms where lunches were stolen at the time of their disappearances. This is just the latest in a long line of inappropriate and downright inconsiderate actions shown by Mr. Harry Stickyfingers.

THE HONORABLE JUDGE: Very well, please call your first witness.

PROSECUTING ATTORNEY: I call Victoria to the stand as my first witness.

VICTORIA (gets up, stands next to seat by the judge to be sworn in):

THE HONORABLE JUDGE: Please raise your right hand. Do you swear that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?

VICTORIA: I do.

THE HONORABLE JUDGE: Please be seated.

PROSECUTING ATTORNEY: Please state your name.

VICTORIA: My name is Victoria. I am in Mrs. McNeal's fourth grade class.

PROSECUTING ATTORNEY: And do you bring your lunch to school? Or do you buy lunch?

VICTORIA: Well, I usually buy regular lunch. But earlier this month, it was my birthday, and I got a special lunch packet just for me!

PROSECUTING ATTORNEY: And how was your lunch for your birthday?

VICTORIA (gets emotional): It was...terrible! I never got to eat it! My beautiful lunchbox, my Pringles, my peanut butter and fluff sandwich, my Capri Sun....they were.... STOLEN!

PROSECUTING ATTORNEY: That is awfully unfortunate, Miss Victoria. And when did you notice that your lunch was stolen?

VICTORIA: Right after library at 10:40. I went to put my new books in my backpack, and my lunch was gone from the closet shelf.

PROSECUTING ATTORNEY: And did you ever find your lunch?

VICTORIA: No, but I found my lunchbox out by the swings. It was..... empty.

PROSECUTING ATTORNEY: So Miss Victoria, there is a clear possibility that someone could have stolen your lunch, ON YOUR BIRTHDAY, and eaten it?!

VICTORIA: That could be the only explanation.

PROSECUTING ATTORNEY: Thank you, Miss Victoria. Your honor, for my second witness, I call Mr. Harry Stickyfingers to the stand.

HARRY: (gets up, stands next to the seat by the judge to be sworn in)

THE HONORABLE JUDGE: Please raise your right hand. Do you swear that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?

HARRY: I do.

THE HONORABLE JUDGE: Please be seated.

PROSECUTING ATTORNEY: Please state your name.

HARRY: My name is Harry Stickyfingers. You can call me Harry... or Sticky.

PROSECUTING ATTORNEY: Um, no thanks. Tell me, Harry, where were you on October 10th between 10:20 and 10:40?

HARRY: I was in my classroom doing centers!

PROSECUTING ATTORNEY: You didn't leave at ALL?!

HARRY: Well, let me think here...I remember I was REALLY busy that day. I almost forgot to go to my band lesson! So I ran down the hall to my lesson, but it was cancelled anyway.

PROSECUTING ATTORNEY: You didn't stop anywhere on the way back?

HARRY: Nope.

PROSECUTING ATTORNEY: Not even to STEAL a birthday lunch?

DEFENSE ATTORNEY: OBJECTION!!! The prosecution is bothering my client!

THE HONORABLE JUDGE: Sustained. Please get to the facts, prosecutor.

PROSECUTING ATTORNEY: Well then, Harry, let me ask you this: the lunch you were found eating that day, what color was the lunch bag?

HARRY: Well, it was black- that's what my lunchbox always looks like!

PROSECUTING ATTORNEY: Annd did it look like THIS?! (Holds up bag)

HARRY: Why, yes, exactly!

PROSECUTING ATTORNEY: Can you open the lunch bag and tell me what initials are on the inside top flap?

HARRY (opens lunchbox, looks at flap): It says... .V.K.

PROSECUTING ATTORNEY: Thank you, Mr. Stickyfingers. That's all I have to ask you today. (sits down)

THE HONORABLE JUDGE: Now I invite the defense for Mr. Stickyfingers to question their witnesses beginning with Mr. Stickyfingers.

DEFENSE ATTORNEY: Mr. Stickyfingers, did you say you were doing centers at the time of the crimes?

HARRY: Yes, I did.

DEFENSE ATTORNEY: And what center were you working on?

HARRY: Well, I was doing the research and report center.... It was all about Spiders, it was pretty cool!

DEFENSE ATTORNEY: Did you finish your center in class that day, Harry?

HARRY: Oh yes! I always try to finish my centers in time so I don't have to do them for homework.

DEFENSE ATTORNEY: So you didn't really spend much time outside of the classroom?

HARRY: I only left for a minute. Just to check and see if I had a band lesson.

DEFENSE ATTORNEY: Well, you must've been pretty busy in class.

HARRY: I was. AND I WOULD NEVER STEAL ANYONE'S LUNCH!

DEFENSE ATTORNEY: And Harry, what does your lunchbox look like?

HARRY: Just like Victoria's. I wish I could show you but I lost it.

DEFENSE ATTORNEY: When did you lose your lunchbox?

HARRY: On October 10th. Sometime in the morning before school started. But then I found it on the floor in the hall by the bathrooms, or so I thought.

DEFENSE ATTORNEY: How often do you or your friends accidentally lose or drop your lunchboxes?

HARRY: All the time! There's always at least eight lunchboxes in the lost and found.

DEFENSE ATTORNEY: Thank you, Mr. Stickyfingers. Your honor, for my second witness, I call Mark to the stand.

MARK (gets up, stands next to the seat by the judge to be sworn in)

THE HONORABLE JUDGE: Please raise your right hand. Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth?

MARK: I do.

THE HONORABLE JUDGE: Please be seated.

DEFENSE ATTORNEY: Please state your name.

MARK: My name is Mark. And don't you forget it!

DEFENSE ATTORNEY: Where were you between 10:20 and 10:40 on October 10th?

MARK: I was out in the hallway making up a Science test.

DEFENSE ATTORNEY: Did you see anyone in the hall between those times?

MARK: Yeah, a couple of fourth graders passed by.

DEFENSE ATTORNEY: Did you see Harry?

MARK: Yeah, I did! I saw Harry pass by and I tried to say hello... but he was going so fast he didn't even hear me! He ran straight down the hall and Mrs. Courtney yelled at him to stop running and then he just started walking real fast.

DEFENSE ATTORNEY: And how long was it till he passed by you again on his way back?

MARK: I would say about three and a half minutes.

DEFENSE ATTORNEY: And were you near the doorway to Mrs. McNeal's room?

MARK: Not really, I was facing the other direction so I couldn't see that way at all.

DEFENSE ATTORNEY: You'd have to be pretty sneaky though to sneak in an empty classroom without a person in the hallway turning around to notice. Thank you, Mark. Your honor, the defense rests its case.

THE HONORABLE JUDGE: Are there any closing statements?

PROSECUTING ATTORNEY: Your honor, we have shown that on October 10th, Mr. Stickyfingers was indeed outside of his classroom at the time that the lunch was stolen. Mr. Stickyfingers was seen eating out of a lunchbox at lunch that was later found discarded by the swings at recess. That SAME lunchbox was picked up and shown here with the initials V.K. written on it. Mr. Stickyfingers says that he was in a hurry. He was in a hurry to STEAL a school lunch! And this has been happening at least three times a week. It's time to protect the hungry students at White Rock School and find Mr. Harry Stickyfingers GUILTY!
(sits down)

DEFENSE ATTORNEY: Your honor, we have shown that Harry does indeed have the same lunchbox as Victoria. On that day, Harry misplaced his lunchbox. During the time that the lunchbox was stolen, Harry was busy in class and he had only left to see if he had a band lesson. Clearly these are not the behaviors of a criminal, but those of an honest, decent White Rock student who is just trying to learn at school.

THE HONORABLE JUDGE: Thank you. Does that conclude the evidence?

BOTH ATTORNEYS: Yes it does.

THE HONORABLE JUDGE (turns to jury): You have heard the evidence. Now it is your job to decide whether or not Harry is guilty of stealing lunchboxes at White Rock School. Please write your decision on your jury slip and hand it in.

(Jurors are dismissed to fill out their slips. OR the Jurors may meet and discuss the verdict, the judge will count the slips if they are used)

THE HONORABLE JUDGE: Have you reached a verdict?

JUROR: Yes we have, your honor.

THE HONORABLE JUDGE: What is the verdict?

JUROR: The jury has voted and determined that Mr. Harry Stickyfingers is INNOCENT/GUILTY of stealing lunchboxes from White Rock School.

***IF GUILTY* THE JUDGE READS PUNISHMENT**

THE HONORABLE JUDGE: Thank you, jury (Comments to Harry).
Court adjourned (HIT GAVEL).

Admit One

Name: _____

Date: _____

MY TICKET OUT OF CLASS

Write down two things you learned today from the court case.

It is popular for Americans to say that anyone accused of a crime is “innocent until proven guilty”. Do you think this is fair? Why or why not?

Admit One