Lesson 4. The Judiciary: A Brief Introduction to the Courts System

Introduction

Remind the students that last session they studied the Constitution to learn more about the three branches of government. Tell them that this session the focus will be on the branch that Kids’ Court is really all about: the Judiciary!

Teacher Background Information

This lesson is going to introduce the students to courts system for the first time in the Kids’ Court. The upcoming units in Kids’ Court get into a lot more detail about different aspects of the judiciary, so this lesson is an important foundation of how the system works before getting deep into the nuts and bolts it. This overview begins by introducing the students to the guiding philosophy of United States courts; the concept of blind justice. Make sure that you are able to explain to students that judges and juries do not make decisions on anything other than the facts of a case and law that pertain to it. In the U.S. money, or good looks, or power do not come into play in a courtroom. This lesson also requires that you understand how the court system works. Be prepared to explain the difference between civil and criminal cases, and the appellate process; the differences between district courts, appellate courts and supreme courts.
Activity: 2-2.5 Hours

Start by reading the story “The Lady or the Tiger” aloud to the class. Then follow the step by step directions listed in “The Lady or the Tiger Activity”. After completing the exercise move into a discussion of the concept of blind justice and how courts implement that to resolve people’s conflicts, and keep communities safe using “The Lady or the Tiger Discussion Questions”.

The Lady or the Tiger discussion should conclude with a question of how courts in the United States are able to come to decisions using the concept of blind justice, which leads nicely into an explanation of how the courts systems work. To move into a discussion of the court system and the appellate process pass out the “Introduction to Courts” packets to each student.

Go through the “Introduction to Courts” packets as a class, reading portions aloud, completing the activities and opening up for discussion or questions. After completing the packet, ask the students what type of cases came up during The Lady and the Tiger Activity, also ask them to point out which court is the equivalent of the pseudo-courtroom they faced when they chose a door. The case was a criminal case, and the court was a district court, which means that the students who were found guilty should have a chance to appeal their case!

CORE CURRICULUM STANDARD:

5TH GRADE SOCIAL STUDIES STANDARD 3.1.e & LANGUAGE ARTS STANDARD 6.1.a & 6.1b

Social Studies Standard 3: Students will understand the rights and responsibilities guaranteed in the United States Constitution and Bill of Rights.

Objective 1: Assess the underlying principles of the US Constitution.
  e. Distinguish between the role of the Legislative, Executive and Judicial branches of the government.

Objective 2: Assess how the US Constitution has been amended and interpreted over time, and the impact these amendments have had on the rights and responsibilities of citizens of the United States.
  c. Analyze the impact of the Constitution on their lives today (e.g., freedom of religion, speech, press, assembly, petition).

Language Arts Standard 6: Vocabulary-Students learn and use grade level vocabulary to increase understanding and read fluently.

Objective 1: Learn new words through listening and reading widely.
  a. Use new vocabulary learned by listening, reading, and discussing a variety of genres.
  b. Learn the meaning and properly use a variety of grade level words (e.g., words from literature, social studies, science, math).
Extension

Pick a famous Supreme Court case, and follow the problem through each phase of the case.

Using a case like Brown v. Board of Education comes with a lot of resources, and relates to elementary-age students.

Using an actual example will help to make sense of how the court system actually operates from start to finish, including the aftermath of a major decision.

For example, some of the aftermath of Brown v. Board is chronicled in Ruby Bridges’ story.

Closure

Ask the students who were found guilty if they would like to appeal their case, and tell any students who volunteer that he/she will have to appear before a panel of judges and plead their case.

Appoint 3 to 5 other students to serve as the panel of appellate judges. Let the guilty student present their case, and have the judges decide if they are innocent or guilty (don’t forget to remind students that even though you are giving them a second chance, your system is still semi-barbaric, so if they are guilty they may still get fed to the tiger).

TEACHER TIP!
Kids get told what to do all the time. This is a great activity to let the panel make, think, and discuss why they came to their decisions.
Kids seem a bit antsy? Have they been sitting for more than 15-20 minutes? Give their brain, and yours, a break with one of these activities. Afterward, they’ll be more focused on the next activity.

**WALK THE LINE**

Students should stand up in their personal space. Explain to the students that you are going to read several statements to them. If they agree with the statement, the students should move to the right side of the room. If they disagree with the statement, the students should move to the left side of the room, and if they are undecided about their opinion they get the center of the room (signs in each of these locations will help the students to remember where to go). Once students decide their positions, call on students from each group to get their opinions on why they made that decision. The following statements tend to create interesting discussion among the students, but feel free to add to or change these statements.

**Potential issues:**
- Half the school day should be recess.
- Dogs should be allowed to go into stores.
- The minimum driving age should be 21 instead of 16 years old.
- Every kid should get a mandatory allowance of $10 per week from their parents.
- 6th graders should shovel the parking lot and sidewalks at Rose Park Elementary whenever it snows.
- The minimum voting age should be 13 years old instead of 18 yrs.
- Boys must all wear their hair long.
- Boys must carry girls’ backpacks.
- Girls must pay boys $2 every time they carry their backpack

**STOP AND SCRIBBLE**

Participants stand at desks with partners, with one piece of paper and pencil for every 2 students. Teacher calls out physical activity:

- jumping
- twisting
- jogging
- jumping jacks
- hopping knee lifts
- playing air guitar
- marching

Participants begin activity and continue for at least 30 seconds or until the teacher calls out a vocabulary word. When the teacher calls out the vocabulary word, participants freeze and partners work together to try to spell the word correctly on a piece of paper. The teams with the most words spelled correctly win at the end of the game.
The semi-barbaric King of an ancient land used an unusual form of administering justice for people who accused of breaking the law in his kingdom. If someone was accused of breaking the law, that offender would be placed in an arena where his or her only way out would be to go through one of two doors. Behind one door was a beautiful woman or a handsome man hand-picked by the king and behind the other was a fierce tiger. The offender was then asked to pick one of the doors, without knowing what was behind it. If he or she picked the door with the woman or man behind it, then he was declared innocent, but was also required to marry the woman, even if he or she was already married. If he or she picked the door with the tiger behind it, though, then he or she was deemed guilty and the tiger would rip him to pieces.

One day the king found that his daughter, the princess, had started dating a guy that the king did not like at all. The king could not allow this and so he threw the offender in prison and set a date for his trial in the arena. On the day of his trial the suitor looked to the princess for some indication of which door to pick. The princess did, in fact, know which door concealed the woman and which one the tiger, but was faced with a conundrum, a tricky situation- if she indicated the door with the tiger, then the man she loved would be killed on the spot; however, if she indicated the door with the lady, her lover would be forced to marry another woman, a woman that the princess did not like at all. Finally she did indicate a door, which the suitor then opened. What came out of the door the princess or the tiger?
1. After reading the story tell the kids that you really like the way this King ran his country, and you are going to start running Kid’s Court that way.

2. Place “Notice of Trial Cards”* in front of several students (Notice side up).
   *NB: these cards should give notice that student has to report for trial on one side, and the other side the cards should have any variation of broken rules from the Classroom Constitution, i.e.:
   - Your neighbor accused you of cheating on your test.
   - I think I heard you use a swear word during Kids Court.
   - Someone told me that you got in a fight at lunch today.
   - When I asked you to help pass out snack, you politely said no, but that was not helpful of you.
   - Someone was talking when I was talking, and I’m guessing it was you.
   - I said wait to start your homework, but you thought I said start your homework. You started doing your homework in the middle of Kid’s Court. That isn’t following directions.
   - I saw you running across the room, and I think you had scissors in your hand. That isn’t safe.

4. Have one child at a time come up to the front of the room with their index card and read out loud the crime they are being accused of. (Make the connection between the accusation and the Kid’s Court Constitution).

5. Tell the child that they are now on trial for whatever crime they are being accused of and walk them into an arena (the front of the class works well), and make sure that you have doors either drawn on a board or made of cardboard labeled “Door 1” and “Door 2”.

6. Then tell the student that for their trial they must choose either one of the doors.

7. Once the student chooses a door hit play on “The Lady or the Tiger cd”. The cd will either play a tiger roaring or wedding bells. If the tiger roars the student is guilty, and if the wedding bells play the student is innocent just like in the story.
Discussion Questions for Lady and the Tiger Activity

What did you think was fair or unfair about the way the King decided whether people were innocent or guilty?

Looking at our statue of Lady Justice do you think that the king from the story used scales to balance out each problem that came before him?

Do you think the king was blind when he made the decisions about whether the students were guilty or innocent?

How do you think the courts in the United States work differently than this?
People use courts to resolve certain conflicts when other alternatives have been tried and have not worked or when the conflicts involve criminal acts. The court system makes up one branch of government called the judicial branch. It has authority to settle conflicts within society. Many different kinds of conflicts are resolved through the court. Look at the pictures and find some of the different kinds of problems they handle.
To help to ensure that justice is served in every case, and to help handle the large number of cases that come before courts, there are different types of courts, and different levels of courts. Below is a brief description of how the court system works in Utah.

**District Courts** are the highest level of trial court in Utah. All civil and criminal cases can go to trial in the district court. This is where most cases begin (except for a few specialized types of cases like child crimes and small amounts of money), and the district court is the place where both sides of the disagreement get to present evidence to prove a point, and have a jury decide who is correct.

**Small Claims** is an important part of District Court jurisdiction. For claims under $5000, individuals pay only a small filing fee and represent themselves in an informal court procedure. The aim of the small claims process is to help people to settle matters involving relatively small amounts in a speedy and inexpensive manner.

**Juvenile Courts** have authority to handle cases involving juveniles under the age of 18 who have committed a crime or who are beyond the control of their parents. They also handle matters involving abused, neglected, or dependent children.

**Court of Appeals** hears appeals regarding decisions made in District Court and Juvenile Court. If someone has a trial, but does not agree with the outcome, that person gets a second chance to win in front of the appeals court. This helps to ensure that justice is served, and that a proper trial was held.

**Supreme Court** is the highest level of appeals court in the state. It primarily hears appeals from the Appeals Court. Like the Court of Appeals, this court is in place as a last resort to ensure that justice is served properly. Not every case gets a chance to go to the Supreme Court, the Supreme Court mostly handles cases that will affect many people (even people outside of those who are involved in the particular case).

*The chart on the following page shows the court levels and how many judges are serving at each.*
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Utah Judicial System
Most of the problems handled by the courts fall into one of two groups: civil or criminal cases. Civil cases and criminal cases have different players and procedures. Below is a description of when a case is a civil case, and when a case is a criminal case.

### CIVIL CASES

Civil cases involve conflicts over private rights of individuals or groups. One person or group takes legal action against another person or group. For example: a person or group seeks money damages for an injury by another person or group; a person or group seeks to require another person or group to fulfill the terms of a contract.

Which of the problems in the pictures above would you list as civil cases?
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- 
- 
- Why?

### CRIMINAL CASES

Criminal cases involve violations of criminal laws which local, state, or federal governments have enacted. (Violating a law is breaking the law.) The city, state, or federal government takes legal action against a person accused of a crime.

Which of the problems in the pictures above would you list as criminal cases?
- 
- 
- 
- Why?
Search the previous pages to find out which courts would handle the following cases.

1. Joe, 15 years old, was accused of stealing hubcaps. His case will be handled in the _______________.

2. Guy was accused of robbery. His case will be handled in the ________________.

3. Federal narcotics officers arrested George S., a drug smuggler, for bringing narcotics into the U.S. by boat. George is accused of breaking a federal law; his case will be handled in the ________________.

4. Marlene, owner of an apartment building, is suing Joe’s Tree Service because a tree Joe was cutting down fell on the apartment building and caused serious damage. Marlene is suing Joe’s Tree Service for $5,000.00. Her case will be handled in the ________________.

5. Doris and Bill have been married fifteen years. They want a divorce. Their case will be handled in the ________________.

6. When Mr. Allen died, a will was found which left most of his money to charities. His only daughter, Greta, believes that she should get more of his estate. Her case will be handled in ________________.

7. Georgia Fernandez feels that the dry cleaner ruined her new coat. The dry cleaner says no. She wants one hundred dollars for her coat from the dry cleaning company. Her case will be handled in ________________.