

Topic:

Courts — With Emphasis on Civil Cases

Time:

2-4 hours

Grade:

4-5

Core:

4: 6040-0301
5: 6050-0502

Objectives:

1. Students will begin to develop a regard for and a discernment of civil legal proceedings.
2. Students will examine real court cases and describe the basic procedures used.

Procedure:

1. Students should be introduced to the different kinds of courts in the American legal system. This could be done in several ways:
 - a. By using the introductory game in Handout 1.
 - b. By giving students background information in lecture form. (Basic material included in Handouts 2, 3, 4, 5, and 6.)
 - c. By inviting a resource visitor to the classroom--an attorney, a court reporter, a court administrator, or a bailiff.
2. Make certain students understand, especially, the civil lawsuit because the videotape, "B.B. Wolf vs. Curley Pig," involves a civil dispute. (A further explanation is included in Handout 7.) A resource visitor could fit in at this point also.
3. Review the story of "The Three Little Pigs" before students watch the videotape. Students could begin thinking about the story in legal/moral terms by answering such questions as:
 - a. Is it right for someone to hurt another person while protecting his/her home?

Procedure continued
b. Could the Wolf have been punished for breaking and entering?

5. Show the videotape, "B.B. Wolf vs. Curley Pig." (Available from the Utah Law-Related Education Project, 22 minutes long.)
4. Also review trial procedures and vocabulary central to the videotape. (Handout 8)

6. After the video, divide the class into small groups of 3-5 or have a general class discussion. Have students discuss whether or not they feel Curley Pig is liable and should pay B.B. Wolf's doctor bills. Why do they feel that way?

Additional Resources:

1. Videotape of B.B. Wolf v. Curley Pig

Author:

Carol Lear

HANDOUT 1

COURT GUESSING GAME

Have the word “COURT” written on a card. Place the card on the table, with the blank side facing the class, so the class cannot see the word. Begin the lesson by telling the students that their job is to try to discover what the word written on the card is. To begin the game, the teacher should give these directions:

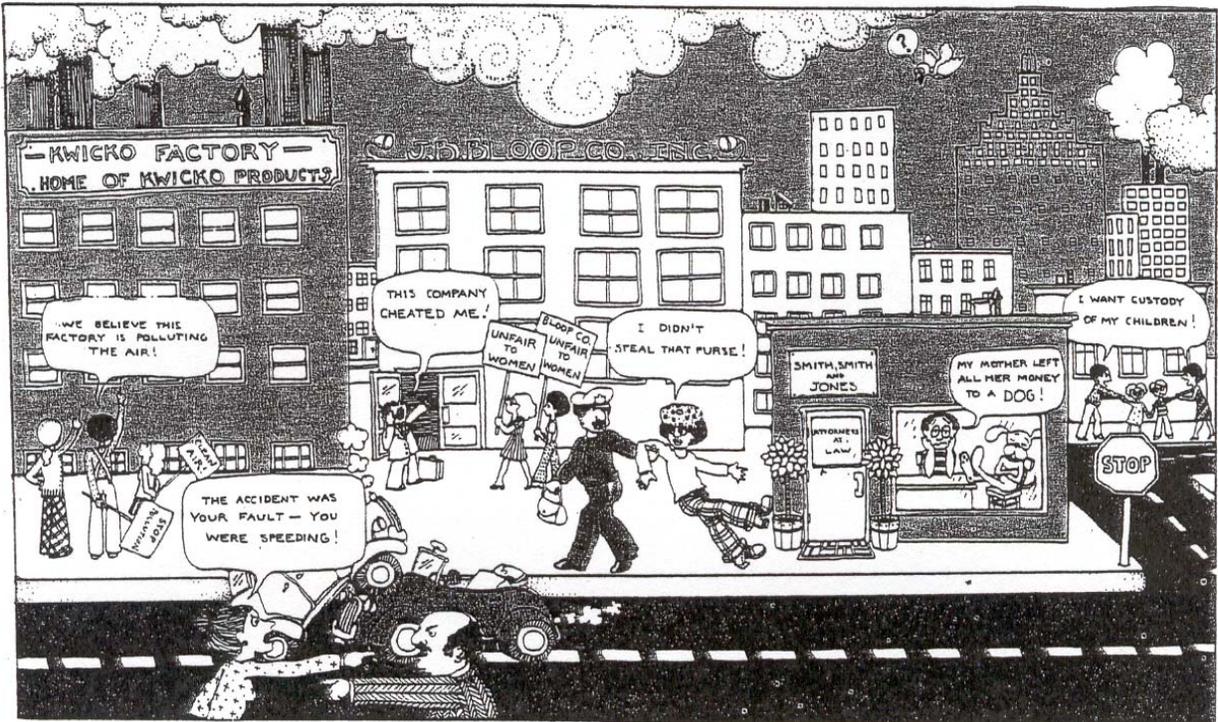
- a. Students may only ask “yes” and “no” questions.
- b. If a student makes a guess and it is incorrect, he/she is out of the game.
- c. Emphasize that students are to ask questions in such a way that yes/no answers will provide a “series of clues” which will eventually converge to the word on the card.
- d. At regular intervals, perhaps every three or four questions, the teacher should say, “OK, let’s summarize what we know.”

After the summary is made, the game can continue until the word on the card is discovered. The game should take about ten to fifteen minutes. Explain, at the conclusion, that for the next few days, the students will be learning about the different kinds of courts that serve their state.

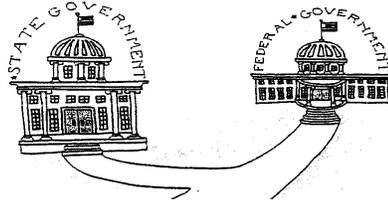
HANDOUT 2

INTRODUCTION TO COURTS

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 courts. Look at the pictures and find some of the different kinds of problems they handle.



THE COURT SYSTEM



The different courts within the state court system have authority to hear and resolve only cases involving certain subject matter or laws as set out in the state constitution and statutes or by state supreme court rule.

- District Courts are the highest level of trial court in Utah. District Courts have original jurisdiction in all civil and criminal matters, unless otherwise noted in the Utah Constitution or statute.

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.

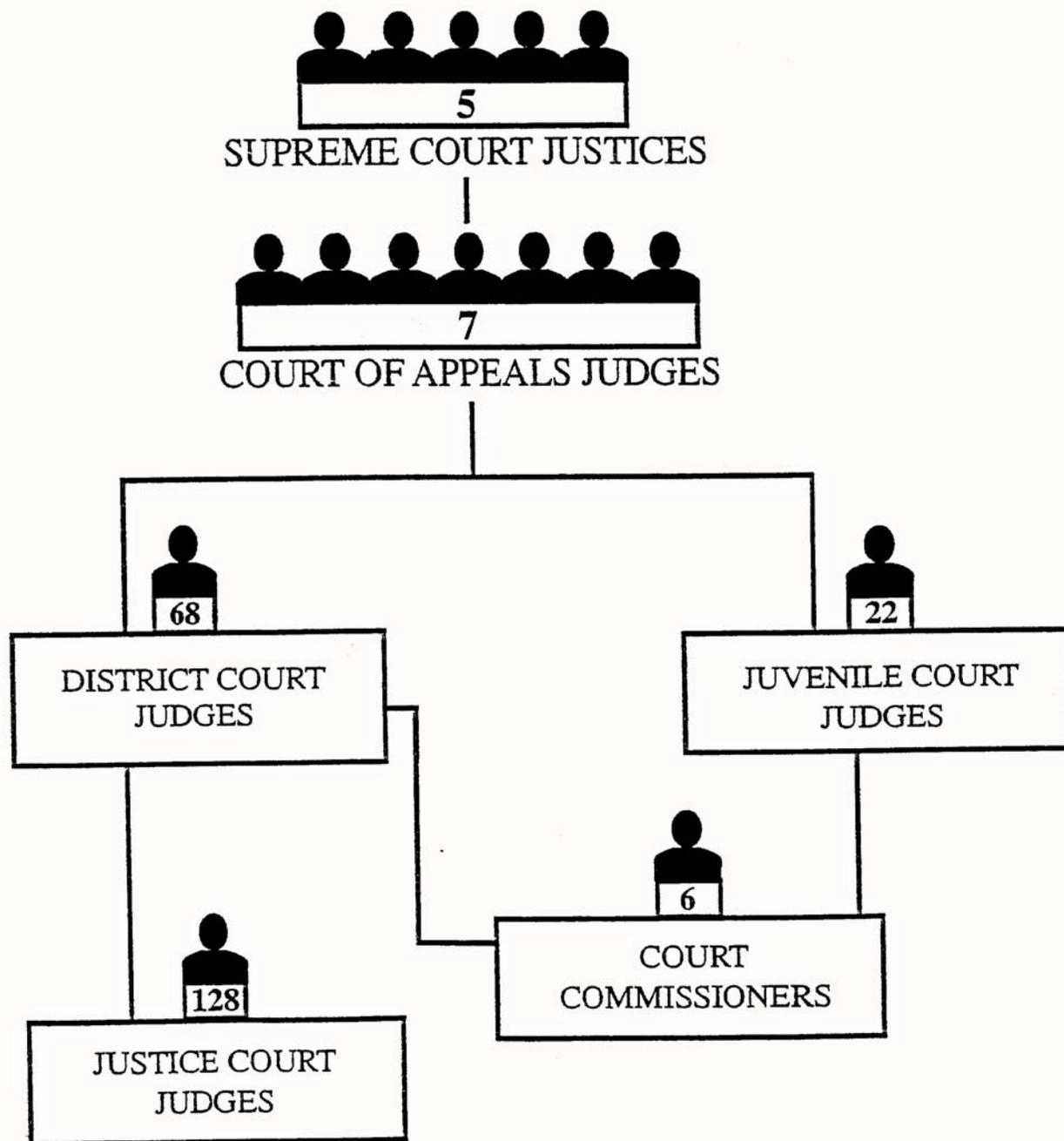
- Juvenile Courts have authority to handle cases involving juveniles under the age of 18 who have committed a crime or who are beyond the control of their parents. They also handle matters involving abused, neglected, or dependent children.

- Justice Courts are established by counties and municipalities and have authority to deal with class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of local government entities such as cities or counties, which hire the judges.

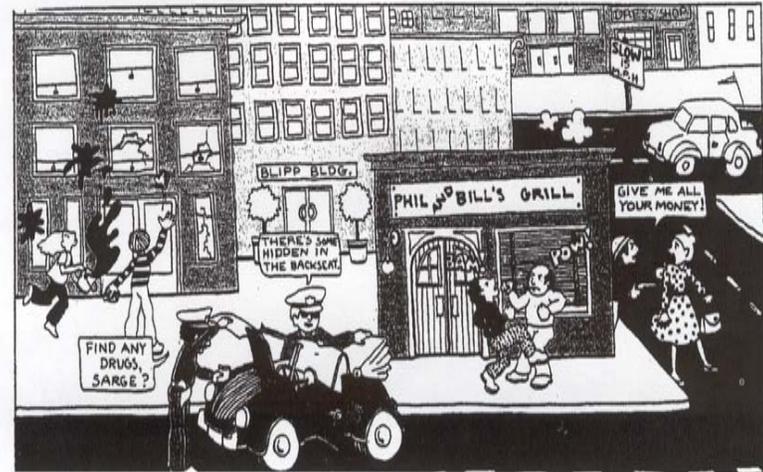
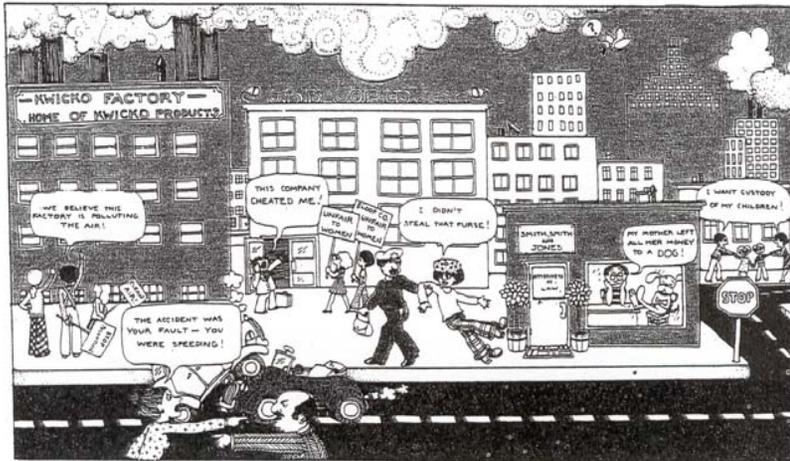
- Court of Appeals hears appeals regarding decisions made in District Court and Juvenile Court. It also hears appeals regarding the decisions of most state agencies. It does not, however, hear any cases involving charges of first degree or capital (death penalty involved) felonies.

- Supreme Court is the highest level of appeals court in the state. It primarily hears appeals from the Appeals Court, first degree or capital felony cases and complex civil appeals from the District Court, and some cases directly from state agencies (such as the State Tax Commission). The chart on the following page shows the court levels and how many judges are serving at each court level.

UTAH JUDICIAL SYSTEM



HANDOUT 5



Most of the problems handled by the courts can be divided into two groups.

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?

-
-
-
-
-

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?

Be a Detective.



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 _____.

THE CIVIL LAWSUIT

The civil case begins when the plaintiff, the person who brings a suit into a court of law, files a written statement of his/her claim. The defendant must then be notified of the lawsuit and given an opportunity to challenge the complaint. The defendant must file an answer to the complaint. He/she may deny everything in the complaint, he/she may admit to some of the plaintiff's claim, or he/she might admit to most or all of the plaintiff's claim.

If the defendant denies the basis for the claim, a trial date is set. The trial is designed to find facts and reach a decision on these facts. The procedures used include: selection of a jury; opening statements by the attorneys; presentation of witnesses and evidence; closing arguments by the attorneys; instructions by the judge to the jury; and deliberation and decision by the jury. During the trial, the judge acts as a referee and decides what laws are applicable; the parties present the evidence; and the jury must listen to the facts and reach a verdict.

In a civil case, the burden falls on the plaintiff. The plaintiff must establish the case first. Evidence must be produced which shows to what he/she is entitled. Then it is up to the defendant to deny the plaintiff's evidence, explain it, place it in its proper light, or produce evidence of his/her own.

In most civil cases, the side who wins had evidence that is more believable than the evidence on the other side. The burden of proof must be met by the plaintiff. The plaintiff must establish the claim by a preponderance of evidence. If this fails, the decision must go against the plaintiff, and the defendant is not found liable.

TRIAL PROCEDURES AND VOCABULARY

Review the procedures for jury trials, the terms “plaintiff” and “defendant”, and other individuals who participate in a trial. Check the students’ understanding by describing the Wolf vs. Pig case and have the students briefly describe the court procedures and roles of the individuals including:

1. Judge
2. Defense Attorney
3. Bailiff
4. Prosecutor (Prosecuting Attorney) (District Attorney)
5. Jury
6. Court Reporter
7. Defendant
8. Witness
9. Plaintiff
10. Lawyers

Describe the procedures to be used during the lesson.

Introduce the terms:

1. Verdict
The finding of fact requiring an order to make it happen (guilty or not guilty in criminal cases; verdict for plaintiff or verdict for defendant).
2. Civil Case
All legal proceedings which are not criminal actions.
3. Criminal Case
A lawsuit involving a public wrong, a crime for which the defendant, if found guilty, could receive a fine or be ordered to go to jail.
4. Judgment
A court order following a verdict.
5. Jury Instructions
The laws that the Judge tells the jury they must follow in making their decision (verdict).
6. Preponderance of the Evidence
The degree of proof required to prevail in most civil actions, being more weighty and believable evidence than against it--even if only by a tiny fraction.
7. Beyond a Reasonable Doubt
The degree of proof in criminal actions required to prove guilt. It is the highest degree of proof. The evidence must be so weighty as to exclude a reasonable doubt.