


TEACHERS' RESOURCE GUIDE

FOR

LAW & JUSTICE



Law Related Educational Handbook

A Supplement for Teachers

Presented by
The Circuit Judges of Lake County, Illinois

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Preface



Think about every problem, every challenge we face. The solution to each starts with education. For the sake of the future, of our children and the nation's, we must transform America's schools. The days of the status quo are over.

- President George Bush
41st President of the United States

In 1989, the President of the United States directed all educators to comply with the National Education Goals, which he established in order to help direct and unify all schools to accomplish six basic goals, from readiness for school, to safe, disciplined, and drug-free schools for all students across the country.

These national goals, coupled with the State of Illinois' educational mandates for each subject at each grade level are lofty. The responsibilities of teaching today's youth is' enormous, and we respect the patience, time, and commitment which you have. The Lake County Circuit Court is providing this reference book to assist in the instruction of the judicial branch of government.

The information contained in the following pages is presented to educators in Lake County, on behalf of the Judge of the Lake County Circuit Court. The goal of this reference guide is to provide you with supplemental material to aid in the teaching of the Third Branch of Government. We are not instructing you in how to present the material, only providing the information relative to the development of the court system, and the current judicial structure in Illinois.

This is submitted to act as a reference kit, as the enclosed manual provides not only historical and practical information to enlighten students, but also includes activities in order to learn the precepts and concepts of justice. Additionally, we have included some overhead transparencies, games and a mock trial script so the students can learn about the judicial process, and begin to understand our system. We hope to assist you, in your teaching endeavors, and if you have additional suggestions for topics to be included in updated handbooks, please let us know.

Presented by

THE CIRCUIT JUDGES OF LAKE COUNTY

Judge James K. Booras
Chief Judge

Judge George Bridges
Judge Valerie Boettle Ceckowski
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Judge Margaret J. Mullen
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Judge Christopher C. Starck
Judge Jane D. Waller

INTRODUCTION

In 1990, for the first time in American history, the President of the United States outlined 6 goals which all educational institutions should strive to achieve. America 2000 is the program which is to achieve the following national goals:

(1) Readiness for school; (2) high school completion; (3) student achievement and citizenship; (4) Science and Mathematics; (5) Adult Literacy and Lifelong learning; and (6) Safe, Disciplined, and Drug-Free schools. Since the announcement of these education goals, many organizations - public and private - have taken the charge to reach these goals by the year 2000.

The Nineteenth Judicial Circuit is included in the commitment of educating today's youth, and to that end, have compiled this notebook in order to assist teachers in the instruction of the American judicial system. This notebook is a compendium of facts, history, procedures and terms that relate to the American legal system, the Illinois State Court system, and the Nineteenth Judicial Circuit Court. We make no claims to be educational specialists, only a source of information relative to the courts.

The role of a court system in a society varies depending on the nature of the society and the needs of its people and government. In the United States today, courts exist to provide a forum for impartial fact finding and decision making in civil and criminal disputes, impose punishment in the event of a guilty verdict, and apply the laws as written by the legislative branch of government. Without courts to interpret the laws and apply them to facts in specific cases, the laws themselves would be meaningless.

As citizens are to play an educated role in the democratic process, it is imperative that the structure and function of the court, and the knowledge of some basic legal precepts are conveyed in order to understand the role of the judiciary. This document serves to provide "law related" educational materials for students. As young citizens your students are just beginning to learn and formulate their attitudes toward authority, government in general, and the courts in particular.

This notebook conveys a great deal of historical and practical information, which is presented for you to use, as well as extrapolate into terms and concepts that your students will be able to understand. The information contained in the following pages should be used as a reference and resource book on the judicial branch of government. We offer this information to you, and trust that as educators you will be able to inform your students on the historical and functional court operations.

It is the hope of the Nineteenth Judicial Circuit that this document will be the springboard for future cooperative efforts between the courts and schools, towards the common goal of educating today's youth.

CHAPTER 1 - THE AMERICAN COURT - ITS ORIGIN AND FOUNDATIONS

It can be said that America, as a nation, began in 1781 with the surrender of Lord Cornwallis to George Washington at Yorktown. The social, legal and cultural habits of the new nation, however, were primarily descendants of those in Great Britain, brought to America with each succeeding boatload of colonists.

Since colonial days, the courts of the United States have taken their own path, developing and changing to suit the needs and social conscience of the new nation. The following history of the American jury system, the concepts of due process, common law, and the adversary process should further broaden the understanding of the American judicial system.

JURIES

The Sixth Amendment in the Bill of Rights guarantees, among other ideas, speedy and public trials, that defendants shall be informed of all charges against them, and a trial by jury. The idea of juries is so closely interwoven with that of the courts, that for most members of the American public, the image of a courtroom means a judge in a black robe, the persuasive legal advocate and the rows of twelve men and women looking on and listening closely to the testimony as it unfolds. Although the United States accounts for 90% of the jury trials held throughout the world today, most of the work conducted in a typical American court takes place without a jury. In Lake County for instance, during 2001, of 189,547 cases disposed of, only 203 were jury trials. The remaining cases were settled out of court, became guilty pleas, or were bench (non-jury) trials.

Juries determine the facts in a trial, the truth or falsehood of testimony, the guilt or innocence of criminal defendants, and the liabilities in a civil trial. In America, juries are still seen as the best tool for ensuring that the rigidity of the rule of law can be shaped to justice in any specific case.

Calling citizens to hear disputes has been known throughout history. Modern day juries are the hybrids of Egyptian, Greek, Roman, and European jury customs. English juries have also been a leading influence in shaping the American jury system. The following history of the evolution of the English and American jury system will provide insight and a deeper sense of understanding of this aspect of the criminal justice system.

England, under Alfred (871-901 A.D.) had a rough system of juries. Representatives of tithings were brought together to decide the questions put before them. This system disintegrated on the death of Alfred, although testimony of witnesses did begin to appear. The Normans left partially intact much of the Saxon court system, which included appeals to the King, legal witnesses and ordeals. They did separate temporal and spiritual courts and appointed "circuit" judges to represent the King across the country. They introduced trial by combat as well.

Norman England established the foundations of the modern jury system. It slowly developed for those cases in which trial by combat was inapplicable, usually in less important cases. Local citizens were brought to court to rule on matters they had witnessed. During the reign of Henry II, in the 12th Century, the use of juries increased and defendants were commonly offered the choice of trial by jury or combat. About the year 1350, when Edward III was King, the definition of jurors began to shift. And, by the end of the 15th century, a jury was not a body of witnesses but a body that heard the testimony of witnesses and unanimity became necessary to convict a criminal in a criminal trial.

Between the 15th and 18th Centuries juries evolved more. Trial by "peers" became more real as Knighthood was no longer a requirement for a juror. Expert witnesses began to be used. Exemptions from jury duty were developing, as for Quakers, who could not swear to oaths. Grounds for challenging a juror for cause at common law included the juror having served on the indicting jury, the juror was a serf or servant, the juror has been convicted of certain crimes, the juror was related to one of the parties or the sheriff, or the juror had stated his opinion of the case in public. Eventually defendants were allowed to call witnesses and defense counsel was allowed to cross-examine witnesses.

During American colonial times, the jury became one of the symbols of rebellion against the English King. A primary complaint of the colonists was that they were being denied the rights granted to all other Englishmen, one of which, was the right to a jury trial as guaranteed by the Magna Carta of 1215. The Magna Carta held several references to trials and juries. That the Common Pleas assemblies shall not follow the court (royal court), but be held "in some certain place", and that juries shall consist of "honest men of the neighborhood" were sample references in the Magna Carta.

Trial by jury was not completely denied to the colonists, however. Early charters, such as the Virginia Company, which established Jamestown in 1607, included the mention of such rights. In New York, the jury found John Peter Zenger not guilty of libel in 1735 on the grounds that what he had written about the royal governor was true. Virginia jurors had great latitude in deciding verdicts. They could even bring in verdicts for offenses other than the ones for which a defendant was charged. It was the British Vice-Admiralty courts, sitting without juries, which ignited the ire of the colonists.

In response to these contentions of unfairness and the abrogation of rights, the colonists included in their earliest documents guarantees of the right to trial by jury. The First Congress of American Colonies, in 1765, recommended trials with juries. The First Continental Congress in 1774, declared "that the respective colonies were entitled to the common law of England and more especially to the great and inestimable privilege of being tried by peers of the vicinage, according to the course of that law." In the Declaration of Independence, Thomas Jefferson listed among the various complaints against King George, that he had "obstructed the administration of justice by refusing his Assent to Laws for establishing Judiciary Powers", "made judges dependent on his will for appointment for salary", "depriving us in many cases of the benefits of Trial by Jury", and "transporting (defendants) beyond seas for trial". All these, along with other complaints, led to the United States Constitution in 1787, and in 1897 the first ten amendments.

The jury system is continually changing to meet the needs of modern courts. As the volume of cases filed increases, so does the use of juries. In 2001, the Lake County Circuit Court called 8268 jurors and empanelled 2,712 jurors for trials.

There are two types of jurors- petit and grand. Petit jurors are sworn to hear evidence in civil and criminal trials and render a verdict. "Petit" jurors are designated as such because fewer people sit on a petit jury than on a grand jury. In Lake County, petit jurors are summoned for one week. Grand jurors, on the other hand, have the duty to receive complaints and accusations in criminal cases, hear the evidence presented by the State and find bills of indictment in cases where they are satisfied there is probable cause to believe a crime has been committed. A grand jury is composed of 16 citizens, and at least 12 members must be present at each session before the grand jury may transact business. Grand jurors in Lake County serve one day a week, for a period of 4 months.

Jury duty is a right and a responsibility of American citizenship. Juries serve several important purposes: (1) they serve as an arbiter regarding the conflict of facts and evidence as presented at

criminal and civil trials; (2) they provide a means by which community values and sentiments are injected into the judicial process; and (3) they help to increase the public's acceptance of legal decisions. Jury duty, along with voting, is one of the primary means by which the average citizen participates in our government. Developing a historical appreciation for the role of juries contributes to willingness and ability of citizens to serve as impartial jurors when called to judge their peers. Use of juries is just one thread running through the historical development of the American judicial system.

DUE PROCESS

Along with trial by jury, the guarantees of due process of law are among the firmest bulwarks of our liberty. The value of these guarantees are shown by how our national and state governments have retained them, in strength through each change of status, from colonies to nation, from territory to state.

Daniel Webster defined due process as "a law which hears before it condemns, which proceeds on inquiry, and renders judgment only after a trial". It is a course of legal proceedings according to the rules and principles established by custom and constitution for the enforcement and protection of the rights of private citizens. To give this established course of legal proceedings a valid and competent tribunal is the duty of the courts.

There are two essential elements of due process:

1. Notice shall be given to a person that matters concerning him are before the court;
2. That person shall be given an opportunity to be heard and defend himself in an orderly proceeding adapted to the nature of the case.

These mean that no person shall be deprived of life, liberty, property or any right granted him by statute unless the matter involved shall first be adjudicated in a trial or hearing conducted according to the rules for judicial proceedings, and no matter shall be adjudicated without the opportunity for a hearing.

Due process has been a concern of men determined to establish justice in governments for at least seven and one-half centuries. The Magna Carta, signed by King John of England in 1215, is one of the first historical documents of men demanding rights of their government.

The elements of due process are contained in the Constitution of the United States (Amendment V and Amendment XIV, Section 1), as well as in the State of Illinois Constitution (most recently, 1970 Constitution, Article I).

Due process is one of our basic American Constitutional rights. For our democratic government to survive and prosper and for their own protection, citizens must understand and value these rights. Aside from all else "due process" means fundamental fairness, and this is important for a judicial system that purports to function with integrity and honor.

COMMON LAW

Common law is court-made law, and differs from statutory law which is made by legislative bodies. Court-made law develops and is passed on to future courts through the decisions and opinions of judges hearing cases. Common law derives its authority from the uses and customs of time, or from the judgment or decrees of courts recognizing and enforcing such uses and customs.

Common Law is especially recognized as the ancient unwritten law of England. In the 11th and 12th Centuries' the English King resolved disputes with the aid of advisors at his court. Formal judicial courts began to develop during the 16th and 17th Centuries, and the judges of these courts studied earlier decisions for guidance. Established decisions came to be called the common law. This form of judicial lawmaking is still used in the England, and the United States, who adopted this policy from the English.

DUAL SYSTEM

American courts are organized into a dual, or two-part structure. There is both a Federal and State Courts system, each state having its own, unique system. The historical basis for this structure was the concern shown by the original colonies as to relinquishing sovereignty to a central government, and the strong thread of state rights which runs through United States history. A practical basis for a dual system exists as well- a two-tiered structure allows for jurisdictional distinctions.

Jurisdictional differences can be based on geography, case type, or case format. Federal Courts have jurisdiction over: (1) cases in which the United States is a party; (2) cases involving foreign officials; (3) cases involving parties from different states- in some circumstances; (4) cases involving the United States Constitution; and (5) cases involving patents, copyrights and bankruptcies.

State Courts share jurisdiction in Items 3 and 4, which may then be appealed to Federal Courts, if the parties are not satisfied with the original decision.

Within courts jurisdictional differences exist, as well. These are more fully explained later in this book.

ADVERSARY SYSTEM

The development and maturation of the adversary system as it exists in American courts today can be traced to the rising importance of the jury during medieval England. As the jury replaced trial by combat, it also changed from a body of witnesses to an impartial body of fact-finders. As the jury became neutral, the parties to a case adopted the role of adversaries.

The term "adversary" implies two conflicting parties. In American courts those two parties are the plaintiff and defendant. These parties present to the Court all the evidence and testimony they can find, in the most persuasive manner allowable, in order to achieve a decision favorable to their interests. The attorneys serve as advocates, and the judge sits as a neutral "referee."

In all Courts, each side is bound by many rules as to how the case may be conducted. These rules are meant to ensure fair and consistent treatment for all parties, in all cases, across all situations. This adherence to rules and procedures is a hallmark of the adversary system, unlike the inquisitorial system, for example, in which few technical rules of evidence exist. The inquisitorial approach is less sensitive to claims concerning individual rights. An inquisitorial style is less likely to serve as a check on government powers, the role American Courts play in our system of checks and balances.

The function of the American Courts are to inquire into the truth of the matter and establish guilt or innocence. And that all defendants in United States Courts are considered innocent until proven guilty is one of the most important fundamentals of the American judicial system. The adversary system, allowing each side equal access to a neutral body is the method by which our courts uphold this ideal.

CHAPTER 2 - HISTORY OF THE ILLINOIS COURTS AND THE 19TH JUDICIAL CIRCUIT

History of the Illinois Courts

ILLINOIS, PRE-U.S. HISTORY

The Indian tribes dwelling in what was to become Illinois had communal codes of conduct and simply structured judicial systems. Occurrences of misconduct were ruled upon by representatives of the extended family, the clan, tribe or nation, depending upon the nature and extent of the violation. All decisions were made by these leaders, and all decisions had to be unanimous. There was no court of appeal.

European settlers began to penetrate into the area, drawn initially by the fur trade. Spain first claimed the territory, but the French were the first settlers. In 1699 the French established the Commandery of Illinois, and placed the area under the control of the Governor of Louisiana. The Commandant of Illinois appointed town commandants, or judges, for each settlement. These officials tried minor cases; the Commandant of Illinois had jurisdiction over major civil and criminal cases. In 1722 a Provincial Council was established to exercise original jurisdiction in both civil and criminal cases. This is the first record of any court in Illinois.

In the Treaty of Paris in 1763, France ceded all land east of the Mississippi River and south of the Great Lakes to Great Britain. Unsuccessful attempts to impose English common law on the French inhabitants led to the resumption of the "Custom of Paris. Each town had a board of arbitrators to hear civil cases and a judge, who heard all other cases. Friction between the French settlers and the English officials interfered with the administration of justice for some time after 1763.

Col. George Rogers Clark claimed the Illinois Territory as part of the Republic of Virginia in 1778. Seven men were elected as judges in each settlement. A majority of four was needed for a decision. Col. Clark served as the Court of Appeal. In 1779, John Todd was appointed County Lieutenant for Illinois. He reorganized the courts into three districts with the seats of government in Kaskaskia (Randolph County), Cahokia (near St. Louis) and Vincennes (now in Indiana). Each district had six elected judges, who met monthly, or as needed. English common law was growing in influence. For example, jury trials and imprisonment for debt became common. The courts of Illinois County functioned with the same jurisdiction as the courts of any Virginia county.

ILLINOIS, EARLY U.S. HISTORY

Between 1784 and 1786 Virginia and other states claiming territory in the Midwest relinquished their claims in favor of the new United States of America. The area was governed under the Northwest Ordinance of 1787. The next several years were chaotic as French, English and American inhabitants contended over the form the regional government would take. Each settlement was virtually independent.

The Northwest Territory was under the jurisdiction of a General Court of three judges. The judiciary, along with the governor appointed by the U.S. Congress, served as the territorial legislature. The judges sat in cases of both original jurisdiction in major criminal cases and as the Court of Appeals. The three judges could act individually and rode circuit in the districts.

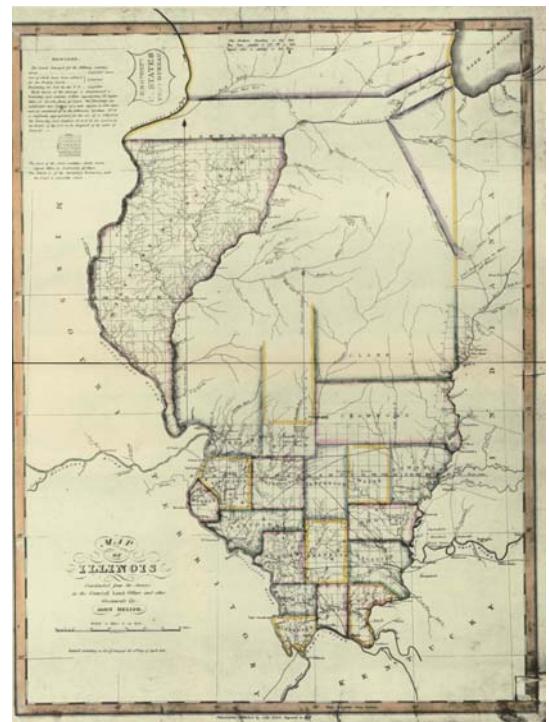
In 1800 the Indiana Territory was established from the Northwest Territory and basically continued the same judicial system.

Strong anti-slavery feeling in the western section of the Indiana Territory led to the creation of the Illinois Territory in 1809. This territory contained the present states of Illinois and Wisconsin. The new Governor, Ninian Edwards, divided the new territory into three judicial districts and continued the same practices as under the Ordinance of 1787 and the Indiana Territory. The governor and three judges continued to act as a legislature until 1812, when a General Assembly was established.

The Supreme Court of Illinois was established in 1814. At this time, the General Court and the Court of Common Pleas were abolished in favor of County Courts. General civil and criminal jurisdiction was given to individual Supreme Court judges, who were required to ride the circuits.

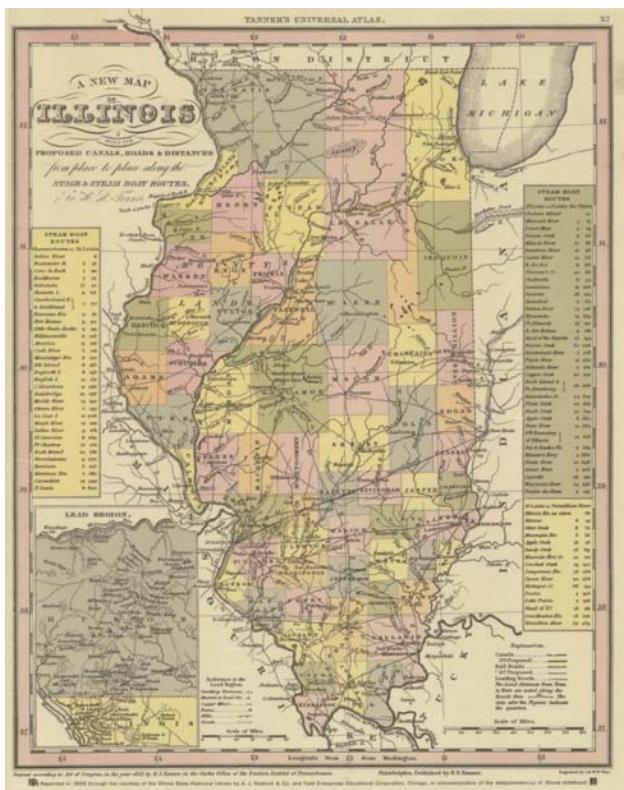
THE ILLINOIS CONSTITUTION OF 1818

Illinois became a state in April 1818. Article IV of the new Constitution described the judicial system. A Supreme Court of four judges was established, and three of the four Supreme Court judges constituted a quorum. The first Supreme Court judges were to ride circuit until their term expired in 1824 and, with the exception of these first judges, all judicial tenure was based on good behavior. The court had appellate jurisdiction except in cases of revenue, mandamus, habeas corpus and impeachment. The judges of the Supreme Court were appointed by the General Assembly and a judge could be removed by a two-thirds vote of the General Assembly. A circuit court judge had original jurisdiction in his respective circuit over all civil matters and in chancery where the debt or demand was more than \$20, and all cases of treason, other felonies and misdemeanors. The legislature appointed new judges with no fixed term and they also had the power to remove any judges from the bench.



In 1824 the General Assembly appointed the new Supreme Court judges. Five Circuit Courts were created and five judges were appointed to hold court in the circuits. However, in 1827 they were legislated out of existence and the four Supreme Court judges were again required to hold Circuit Court in four circuits. In 1829 a fifth circuit was created north of the Illinois River and a Circuit Court judge was appointed by the General Assembly to hold court in that circuit. In 1835 the General Assembly appointed Circuit Court judges for all five circuits and the Supreme Court was again freed from circuit responsibility. Also a sixth circuit and judgeship was established.

It was in 1835 that the first white settlers moved into what was to become Lake County; the Daniel Wright family. It had only been in August of 1829 that the United States Government had negotiated a treaty with the Chippewa, Ottawa and Potawatomi Tribes and acquired the title to these lands. The treaty stipulated the Indians could remain in the area until the mid-1830's, although accounts seem to indicate that they left somewhat earlier.



By 1838 there were nine Circuit Courts and nine Circuit Court judges in Illinois. This system continued until the judiciary of the state was, again, reorganized in 1841. At that time, all circuits and Circuit judges were, once more, legislated out of existence. Five new Supreme Court judges were appointed to supplement the existing four judges. This enlarged Supreme Court was reassigned to Circuit Court duties and this system remained unchanged until 1848 when the second Illinois Constitution was adopted.

Justices of the Peace Courts were established on a county basis by the General Assembly in 1819 and were reorganized in 1827. They had jurisdiction in their counties over all civil suits for debt and demand not in excess of \$100, and forcible entry and detainer cases. In criminal cases, their primary jurisdiction was over all assaults, battery, affrays, and over larceny committed by Negroes (slave or free). At this time, the northeast corner of Illinois was in Peoria County. One of the earliest Justices of the Peace, 1827, was Billy Caldwell, or Sauganash, a Potawatomi Chief with an Irish father.

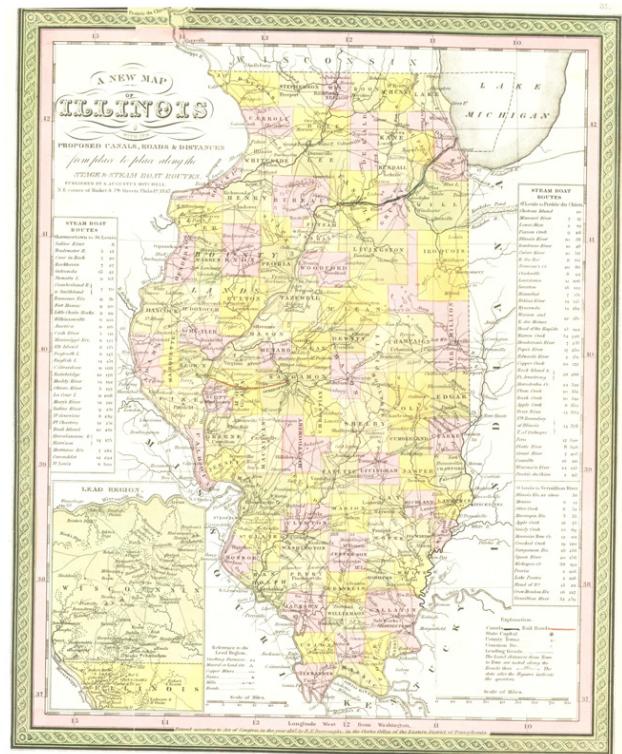
In general, local relations between the Indians and white settlers were peaceful.

The Constitution of 1818 gave the General Assembly power to create courts of inferior jurisdiction known as Circuit Courts. The presence of these courts were totally dependent upon the legislature and were legislated into and out of existence three times in twenty years. Since the General Assembly had the power to appoint and remove all judges, including Supreme Court judges, an established judicial system was unable to take root in Illinois. This judicial inadequacy was a major cause for the drafting of the 1848 Constitution.

THE ILLINOIS CONSTITUTION OF 1848

Article V of the Illinois Constitution of 1848 established a Supreme Court of three judges with two of the three constituting a quorum. Election was by popular vote with one judge of three elected from each of the divisions of the state (Northern, Central and Southern) for a nine-year term. The Supreme Court had original jurisdiction in cases of revenue, mandamus, habeas corpus, and impeachment, and appellate jurisdiction in all other cases and was to convene once annually in each division.

The Constitution of 1848 established nine circuits and each circuit was to elect one judge for a six-year term. The Circuit Court was required to hold two or more sessions annually in each county. It had jurisdiction in all cases at law and in equity and all cases on appeal from inferior courts.



The constitution and subsequent legislation established a County Court in each county with one County Court judge who had a four-year term. The court had jurisdiction in all probate cases, civil cases involving not more than \$100, forcible entry and detainer, and criminal cases of assaults, battery, affrays, larceny in the cases of Negroes (free or slave), and jurisdiction concurrent with the Circuit Court for sale of real estate of deceased persons.

The two decades following the enactment of the Constitution saw a great population increase in Illinois, especially in the previously sparsely settled areas of the north. Article V, Section 1 provided "that inferior local courts of civil and criminal jurisdiction may be established by the General Assembly in the cities of this state, but such courts shall have uniform organization and jurisdiction in such cities." Consequently, in 1854 the General Assembly established the elected position of Police Magistrate for a term of four years in each town and city as follows: one position for 6,000 or less inhabitants; two positions for 6,000 to 12,000 inhabitants; and three positions for more than 12,000 inhabitants. Although Justices of the Peace Courts and Police Magistrate Courts had the same jurisdiction, they were not courts of record. Therefore, any appeals were heard as new trials in Records Courts, which were located in Chicago, Aurora, Elgin and other growing cities. These courts were known as Courts of Common Pleas and had jurisdiction concurrent to the Circuit Court.

The Constitution of 1848 had established a rural judicial system, which, due to growth, quickly became inadequate. In 1868 a convention wrote an entirely new constitution for a part urban, part rural state. This new Constitution of 1870 remained the law of the State of Illinois until the adoption of the 1970 Constitution.

THE ILLINOIS CONSTITUTION OF 1870

The Constitution of 1870 spelled out the new judicial system in Article VI. The Supreme Court was comprised of seven judges whose terms of office were nine years. Four judges constituted a quorum and the concurrence of four was necessary for decision. It had the same jurisdiction as it had under previous constitutions and was to hold annual terms as established by the 1848 Constitution. The state was divided into seven districts for election of the Supreme Court judges.

These districts could be changed by law to maintain equality in population, but must be composed of contiguous counties.

In 1879, legislation was enacted requiring that terms of the Supreme Court were to be held only in Springfield. The Court was given authority to make rules regulating practice for the judiciary in Illinois. It also provided that the Supreme Court submit reports to the Governor on the deficiencies and problems of the laws in Illinois and suggest bills to the General Assembly designed to solve these problems. Combined with Article VI, Section 11, which provided for the establishment of an Appellate Court, we can discern the development of the Supreme Court as a body established for initiating, improving and interpreting the laws of Illinois. No longer was the Supreme Court to be a traveling Appellate Court.

The Constitution provided for the establishment of an Appellate Court by the General Assembly after 1874. Four such courts were established in 1877. The first was in Cook County, the second was in the rest of the Northern Division, the third was in the Central Division and the fourth was in the Southern Division. Each court consisted of three judges appointed by the Supreme Court from the Circuit Court, or in the case of Cook County, from the Superior Court. They were appointed for three years and held two court terms annually. Two judges were a quorum, and the concurrence of two was necessary for a decision. The jurisdiction of the court was appellate only.

By Act of Legislature of March 28, 1873, judicial districts were organized in accordance with the 1870 Constitution. Twenty-six circuits were formed, exclusive of Cook County, which formed its own circuit. The circuits were to be as equal as possible in population, economy and territory, and consist of contiguous counties. Lake and McHenry Counties, along with Boone and DeKalb Counties, constituted the Second Judicial Circuit. Theodore D. Murphy of McHenry County was elected as the Circuit Judge. Circuit Court judges were elected within their circuit for a six- year term. At least two terms of court were required to be held each year in each county.

An Act of the Legislature of June 2, 1877 again changed the judicial circuits of the state. The existing twenty-six circuits were reduced to thirteen. The Second Circuit containing Lake, McHenry, Boone and DeKalb Counties, was united with the Fourth Circuit containing Kane, DuPage and Kendall Counties, to form the new Twelfth Circuit.

Another change in the make-up of the judicial circuits occurred by an Act of April 23, 1897, which associated Lake and McHenry Counties with Winnebago and Boone Counties to form the Seventeenth Circuit.

During these years, cases in Cook County increased at a much greater rate than the population. To deal with the larger caseload, provisions were made to add to the number of judges in both the Superior and Circuit Courts of Cook County. The old Records Court of the City of Chicago was changed into the Criminal Court of Cook County with the jurisdiction of the Circuit Court in criminal and quasi-criminal cases. The terms of the Criminal Court were held by the judges of the Circuit and Superior Courts. The General Assembly increased the number of judges in the Circuit Court of Cook County until eventually, in 1915 that number reached 20.

The constitution, again, provided for County Courts in each county. One judge was to be elected to that position for a four year term; however, where it was expedient to do so the General Assembly could create a district of two or more counties under the jurisdiction of one judge. This court was to be the county court of record.

The constitution of 1870 and subsequent legislation in 1877 and 1881 established Probate Courts in counties where the population was over 70,000. Judges of these courts had four-year terms. In

1903 an act of the General Assembly provided that the probate judges and county judges may hold court for each other and perform each other's duties.

The constitution also provided for the continuation of Police Magistrates and Justices of the Peace.

In 1901 an act was approved concerning courts of records in cities. It was amended in 1901, 1911 and 1913. It permitted from one to five judges in each City Court. However, the number of judgeships could not exceed one for every 50,000 inhabitants. The court could be established only in cities of at least 3,000 inhabitants. The judges were given four-year terms. These courts had jurisdiction concurrent with the Circuit Court, except in cases of treason and murder.

In 1903 an administrative agency called a Court of Claims was established in Illinois to hear all cases of claims of any nature against the state. Three judges were appointed to the court by the governor.

Dissatisfaction with the Justices of Peace and Police Magistrate system became so serious that a 1904 amendment to the constitution abolished Justices of Peace, Police Magistrates and Constables in the City of Chicago and limited the jurisdiction of all other Justices of the Peace, Magistrates and Constables in Cook County to the area outside the City of Chicago. It also permitted the establishment of a Municipal Court in Chicago.

Legislation in 1905, 1906 and 1907 established the Municipal Court of Chicago with jurisdiction in civil claims for money or property and in non-felony criminal cases. The court was created to meet the special needs of a rapidly growing urban area. Legislation approved in 1899 and amended in 1907 established a Juvenile Court (later called the Family Court) in Cook County. One judge of the Circuit Court was to hear all cases involving persons under the age of 21 termed by the act as dependent, neglected or delinquent. This act was the first of its kind in any state.

These specialized courts demonstrated the needs of a growing population and the developing independence, importance and responsibility of the courts in Illinois. They were very functional, but the problems caused by the creation of new courts for new needs soon outweighed the advantages.

Many of these specialized courts had overlapping jurisdiction causing organizational and administrative problems. There was no real administrative authority to unify, coordinate and supervise the various courts and judges. A unified court system was needed.

It was during these years of organizational growth and confusion, that in 1957 the Legislature detached Lake and McHenry Counties from the Seventeenth Judicial Circuit and created the Nineteenth, to be comprised of only these two counties.

THE JUDICIAL ARTICLE OF 1964

Under the Judicial Article of 1964 the judicial power of Illinois was vested in a Supreme Court, and Appellate Court and Circuit Courts. On the trial court level all courts other than the Circuit Courts were abolished and all their jurisdiction, judicial functions, powers and duties were transferred to the respective Circuit Courts.

The Supreme Court was composed of seven judges, elected from five judicial districts. Cook County was the First Judicial District. The remainder of the state was divided into four Supreme and Appellate Districts. Three Supreme Court judges were elected in the First Judicial District. One was

elected from each of the other judicial districts. Four judges constituted a quorum and concurrence of four was necessary for a decision. Judges of the Supreme Court were elected for ten-year terms. The Supreme Court exercised original jurisdiction in cases relating to revenue, mandamus, prohibition and habeas corpus. It had appellate jurisdiction in all other matters. Appeals would go from the Circuit Court directly to the Supreme Court in cases involving revenue, a question arising under the federal or state constitutions, habeas corpus or appeal by the defendant from sentence in capital cases.

The Supreme Court was given the authority to establish rules for trial procedure. In fact, general administrative authority over all courts was vested in the Supreme Court to be exercised by the Chief Justice who was selected for a three-year term by the members of that court. To assist the Chief Justice in this task, the Article provided for an administrative director and a staff. In this Article the increased attention of the Supreme Court to the development, interpretation and administration of law in Illinois can be discerned.

The Appellate Court was organized in the same five judicial districts as the Supreme Court. It consisted of twenty-four judges, twelve in the First District (Cook County), and three in each of the other four districts. Appellate Court judges were elected for ten-year terms. Concurrence of two judges was necessary for a decision.

All final judgments of the Circuit Court except those directly appealable to the Supreme Court and acquittals on the merits in criminal cases were, as a matter of right, appealable to the Appellate Court in the district in which the Circuit Court was located. To assure a complete determination of any case being reviewed, the Appellate Court was empowered to exercise any necessary original jurisdiction. Appeals from the Appellate Court were to the Supreme Court in cases where a question arose concerning the state or federal constitution for the first time, as a result of the action of the Appellate Court, or when a division of the Appellate Court certified that the case was of such importance that it should be decided by the Supreme Court. In all other cases the Appellate Court was the last court of appeal unless the Supreme Court granted leave to appeal.

The Article provided that the state should be divided into judicial circuits of one or more contiguous counties. There were 21 such multi-county circuits. Cook and DuPage counties were single county circuits until 1985 when Will County also became a single county circuit.

Section 8 of the Article provided that judicial circuits should be established from time to time by law. The Article specified no maximum number of circuits; and therefore, it was flexible for meeting further needs. There was only one Circuit Court in each circuit. This court had "unlimited original jurisdiction of all justifiable matters". By giving jurisdiction to the Circuit Courts and establishing only one Circuit Court, the Article avoided and eliminated the problems of complex and often overlapping jurisdiction and all the legal problems that stemmed from the numerous courts of special jurisdiction which had grown up during the previous years.

The Circuit Courts had three categories of judges: Circuit Judges, Associate Judges and Magistrates. The Circuit Judges had the full jurisdiction of the Circuit Court, and the power to make the rules of the court. They were elected on a circuit-wide basis. One Circuit Judge was elected by the Circuit and Associate Judges as Chief Judge of the Circuit. He was the manager of the Circuit with general administrative authority in his Circuit subject only to the authority of the Supreme Court. He assigned cases, assigned duties to court personnel, and determined time and place of court sessions.

Associate Judges had the full jurisdiction of the Circuit Court. They voted for the Chief Judge but they did not have rule making authority and could not be selected as Chief. There had to be at least

one Associate Circuit Judge elected in each county of the state. Both Circuit Judges and Associate Judges had six-year terms.

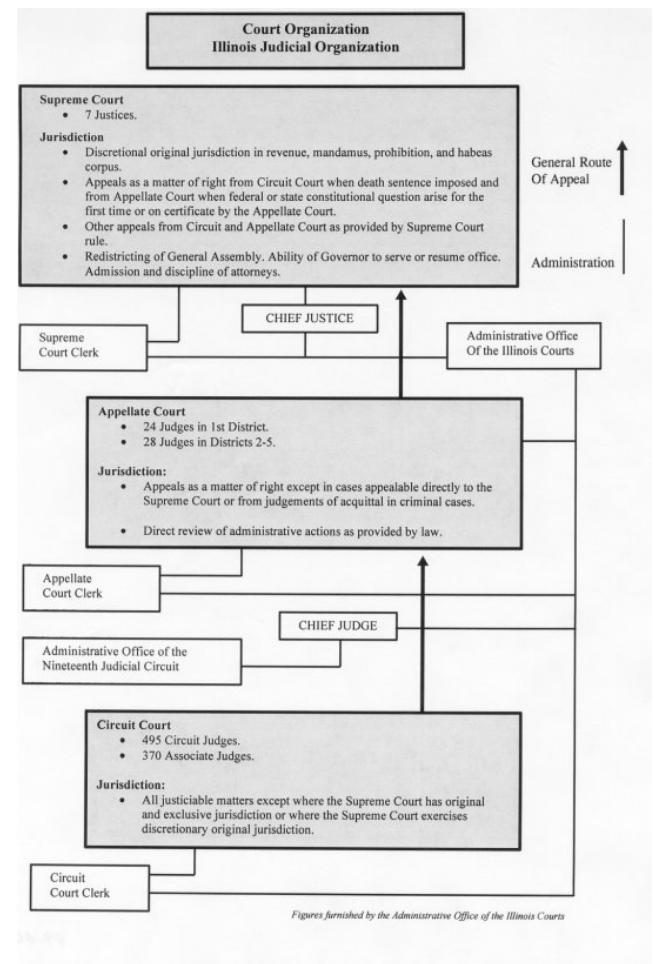
Magistrates were appointed by the Circuit Judges and served at their pleasure, without terms. While they had the full jurisdiction of the Circuit Court, only certain cases were assignable to them. This assignability was determined by law. The law enabled the Supreme Court to expand the matters assignable to lawyer magistrates. The Chief Judge could further limit and determine which matters were assigned to Magistrates in his circuit. Magistrates generally were assigned civil cases when the amount of damages or the value of personal property claimed did not exceed \$15,000; and quasi-criminal and criminal cases, generally, where the maximum punishment did not exceed a fine of \$1,000 or imprisonment for one year or both. Magistrates also were assigned internal administrative duties within the court. The authorized number of magistrates to be appointed was proportionate to the population. In addition to the number of magistrates authorized by statute, the General Assembly empowered the Supreme Court to allocate the appointment of 40 Magistrates to the circuits upon a showing of need.

The Judicial Article of 1964 introduced important innovations in the Illinois Judicial System. Under Section 11 of the Article, judges, once elected, were permitted to run for reelection not as members of a political party or against a candidate, but on their own record. The electorate voted yes or no on retention of the individual judge, and the judge had to receive a majority to be retained. Section 10, however, provided for the initial selection of judges by party ballot. Any candidate who ran for an elective judicial office for the first time was required to be "nominated by party convention or primary and elected at general elections..."

Section 16 provided that judges could not "engage in the practice of law or hold any office or position of profit under the United States or this state or any other municipal corporation or political party". Section 15 also stated that no person could be eligible for the office of judge unless he was a citizen and licensed attorney at law of this state and a resident of judicial district, circuit, county, or unit from which elected. This was a clear attempt to establish a judiciary as a full time profession in Illinois, and to raise its efficiency, objectivity, and effectiveness.

Section 18 established a commission of judges composed of one Supreme Court, two Appellate Court judges selected by the Appellate Court, and two Circuit Judges selected by the Supreme Court with the power to retire for disability or to suspend or remove any judge from office for cause. Thus, the judiciary rendered judgment on its own members rather than having the General Assembly exercise that authority.

The Supreme Court was further required to report annually to the General Assembly. Here again provisions were made to develop the judiciary as an autonomous professional and independent arm of government cooperating with, but not dominated by, the General Assembly.



Summary of the Types of Courts in Illinois

1818	1835	1838	1848	1870
Supreme Court 4 Judges	Supreme Court 4 Judges	Supreme Court 9 Judges	Supreme Court 3 Judges 3 Divisions	Supreme Court 7 Judges 3 Divisions (7 districts for election purposes)
Justices of the Peace	Circuit Court 6 Circuits 6 Judges Justices of the Peace	Justices of the Peace	Circuit Court 9 Circuits 9 Judges Justices of the Peace Police Magistrates Courts of Common Pleas	Appellate Court 12 Judges 4 Districts Circuit Courts 18 Circuits 56 Judges Superior Court of Cook County Criminal Court of Cook County County Court (100 Judges) Justices of the Peace Probate Court Police Magistrates

1907	1964	1985	2000
Supreme Court 4 Judges 3 Divisions (7 districts for election purposes)	Supreme Court 7 Justices	Supreme Court 7 Justices 5 Districts	Supreme Court 7 Justices 5 Districts
Appellate Court 12 Judges 4 Districts	Appellate Court 24 Justices	Appellate Court 42 Justices 5 Districts	Appellate Court 24 Justices 5 Districts
Circuit Courts 18 Circuits 56 Judges	Circuit Courts 18 Circuits 56 Circuit Judges Associate Judges Magistrates	Circuit Courts 22 Circuits 386 Circuit Judges 375 Associate Judges	Circuit Courts 22 Circuits 496 Circuit Judges 370 Associate Judges
Superior Court of Cook County	NOTE: In 1957, the Legislature detached Lake and McHenry Counties from the Seventeenth Judicial Circuit and created the Nineteenth, to be comprised of only these two counties.		
Criminal Court of Cook County			
County Court (100 Judges)			
Justices of the Peace			
Probate Court			
Police Magistrates			
Juvenile Court of Cook County			
Court of Claims			

THE JUDICIAL ARTICLE OF 1970

Illinois has the distinct advantage of not only having one of the first truly unified court systems in the nation, but also having had the opportunity in the 1970 Constitution of refining and improving that system after a trial period. The 1964 Judicial Article established a model court system of simplicity, efficiency, and flexibility. After seven years of scrutiny and analysis this successful system was modified to eliminate some of the minor flaws. Illinois now has a judicial system to meet the needs of its citizens, a system built on tradition but designed with flexibility to accommodate future needs as well.

The Judicial Article of the Illinois Constitution of 1970 (Article VI) provides for a unified, three-tiered judiciary, comprising of the Circuit Courts, the Appellate Courts, and the highest Court in the State, the Illinois Supreme Court. Cases are normally channeled to the Supreme Court from the Appellate Court, but in cases where a Circuit Court has imposed a sentence of death, the law provides for an appeal directly to the Supreme Court, bypassing the Appellate Court.

Timeline of Judicial History of Illinois

1673 - The Illiniwek, a Native American confederation consisting of Cahokias, Kaskaskias, Mitchagamies, Peorias, and Tamaroas, encounter French explorers who refer to the people and country as "Illinois."

Prior to this time, and for 100 years after, the different Native American tribes all had a very similar culture and a clear code of conduct with a simple structured judicial system. The basic unit of their judicial system was the primary family. The families lived with other primary families forming extended families that joined together into a clan. Each clan or tribe had chief or leader, who performed both the legislative and judicial activities for the group. All misconduct and violations were handled by the family and since there was no executive branch, general consent had to be given for execution of all decisions. Once agreed upon, the decision was final, without any chance or appeal at a higher level. However, because the leaders were highly respected, the decision was generally carried out without the use of force.

1699 - With the number of French settlers increasing, France established the Commandery of Illinois. The commandant appointed judges for each settlement, who executed orders and locally tried all minor cases.

1722 - A French Provincial Council was established to exercise primary jurisdiction in matters civil as well as criminal. This was the first recorded account of a court in the territory.

1755 - The French and Indian War began.

1763 - France was defeated by Great Britain. The Treaty of Paris, ending the war, gave all. territory east of the Mississippi River to Great Britain. The English settlers tried unsuccessfully to impose English common law on French settlers.

1778 - The Republic of Virginia, under its charter, took possession of Illinois. The English court system was fundamentally maintained, but with minor alterations. The changes included the election of seven judges in each settlement (Kaskaskia, Cahokia, Peoria, and Vincennes).

1779 - The County Lieutenant of Illinois, John Todd reorganized the courts into three districts. Each district had six judges. Because of the number of French inhabitants, French law was the basis of the reorganization. However, the influence of English Common Law was growing.

1784 - Virginia relinquished possession of Illinois to the newly formed United States of America. As part of the Northwest Territory, Illinois was under the jurisdiction of a general court of three judges.

1793 - Constructed in 1737, the Cahokia Courthouse was purchased by the Common Pleas Court and used

as the political and judicial center in the Northwest Territory until 1814.

1814 - The Supreme Court of Illinois Territory was established along with the county courts. General civil and criminal jurisdiction was given to individual supreme court judges, who were required to ride the circuit.

1818 - Illinois became the twenty-first state. The judicial system for the new state was established in its first constitution. A supreme court of four judges, with appellate jurisdiction, was created. The court met at the state capital in Kaskaskia.

1820 - The state capital was moved to Vandalia. The court met there until the capital was moved again in 1848 to Springfield.

1824 - The legislature appointed new supreme court judges and created five circuit courts. Five judges were appointed to hold court in the five circuits.

1827 - The legislature abolished the office of circuit court judge, reduced the number of circuits to four and required the four supreme court judges to hold court throughout the circuits.

1829 - The Legislature created a circuit north of the Illinois River, the fifth circuit. A circuit court Judge was appointed to hold court to that circuit.

1835 - The legislature appointed circuit court judges for the other four circuits, thus freeing the supreme court judges from circuit court duty. A sixth circuit was created and a circuit judge appointed.

1838 - The legislature increased the number of circuits to nine and appointed additional circuit judges.

1841 - The legislature abolished all circuits and all circuit court judgeships.

1848 - The second state constitution made the judicial branch independent of the legislature. It also reduced the size of the supreme court to three judges. For the first time, supreme court judges were elected, not appointed. Nine circuits were created. One judge was elected for a six year term in each circuit. Until 1897, the supreme court met alternately in Springfield, Mt. Vernon, and Ottawa.

1862 - Illinois voters failed to ratify a new state constitution proposed by the legislature. If enacted, the constitution would have limited the supreme court to three judges, and required the court to hold one or more terms annually at Springfield, Mt. Vernon, Chicago, and Peoria. The proposed constitution would have reduced the number of circuits from twenty-eight to seventeen and permitted the governor to commission all judicial officers. Each county would have a court with probate and other civil jurisdiction. County courts would also have exclusive appellate jurisdiction over justice of the peace courts. Major changes would have been made to the grand jury system. In particular, grand juries would have been abolished but for crimes punishable by death or incarceration in the penitentiary, and when used, the grand jury would have been reduced to 15 jurors from the previous 23 jurors.

1870 - The third state constitution created a supreme court with seven judges who had the same jurisdiction as under the constitution of 1818. Also, clerks of the circuit and county courts were to be elected.

1879 - Legislation was passed requiring sessions of the supreme court to be held only in Springfield.

1897 - Legislation was enacted allowing the supreme court to appoint three circuit court judges to a branch of the appellate court.

1899 - Legislation established a juvenile court (later called family court) in Cook County.

1905 - The legislature passed an act allowing for branch circuit courts in any county.

1906 - Legislation established the Municipal Court of Chicago with jurisdiction in civil claims.

1908 - The Supreme Court Building in Springfield was dedicated. The structure with all its exquisite materials

and fine handcraftsmanship was completed for less than the \$500,000 appropriated.

1922 - As was the case sixty years earlier, the Legislature proposed a new state constitution, and the voters chose not to ratify it. The proposed constitution provided for a supreme court, an independent appellate court of four districts, circuit and county courts, and justices of the peace. The supreme court was to have nine judges. Three would be elected from the districts containing Cook County. There would be seven districts in all. The supreme court was to be given original jurisdiction in cases relating to revenue, quo warranto, mandamus, habeas corpus, prohibition, and other matters of public importance. The appellate court. was to have received all appeals from circuit and county courts. Supreme court judges were to have a ten year term, while the term for other judges was for six years but for justices of the peace who were to serve two year terms. It would have provided that the supreme and appellate courts each appoint a clerk for a term of six years, instead of one being elected. Additionally, the new constitution would have required that state's attorneys be licensed in this state for practice.

1962 - The number of courts had increased tremendously in the last 100 years. In Cook County alone there were 208 courts: circuit court, superior court, family court, criminal court, probate court, county court; twenty-four city, village, town, and municipal courts; seventy-five justice of the peace courts; and 103 police magistrate courts. Many courts had overlapping jurisdiction presenting a confusing pattern of justice.

1964 - A new Judicial Article to the 1870 constitution passed by the voters placed the judicial power of the state in a supreme court, an appellate court with five districts, and twenty-two circuit courts. This created a successful unified court system.

1970 - The fourth state constitution was approved by the voters. The basic structure of a unified, three-tiered judiciary was retained. The new Judicial Article also provided for circuit judges and associate judges, and created the Judicial Inquiry Board and Courts Commission to handle complaints against judges.

History of the 19th Judicial Circuit

BEGINNINGS OF THE NINETEENTH JUDICIAL CIRCUIT

The judicial relationship between Lake and McHenry Counties dates back to the 1830's. In 1835, and prior to the birth of McHenry and Lake Counties, the territory was predominantly a part of Cook County, and was within the Chicago Precinct, or election district. At the September 1835 term of the County Commissioners Court of Cook County a new precinct was formed, comprising most of the territory north of the town of Chicago, styled Lake Precinct. The place of holding elections was established at the house of Dexter Hapgood, about six miles below the present site of the Village of Wheeling. At a special election, in this precinct, held October 17, 1835, Hiram Kennicott was elected a Justice of the Peace; in all, thirty-two votes were cast. He was the first Justice of the Peace who served in what is now the 19th Judicial Circuit. Mr. Kennicott was the first lawyer to practice in Lake County. He performed the first marriage in Lake County; William Wigham to Caroline Wright, in January 1836. The first lawyer to practice in McHenry County was Amory E. Thomas, who settled in McHenry in 1838 and remained in practice until 1844.

In 1835, the lands in this part of the county were unsurveyed and the title remained in the name of the United States Government according to the 1829 treaty with the Indians. For all practical purposes, the settlers were beyond the reach of statutory laws or civil authority; the law rested in every man's conscience. In short, the people were "a law unto themselves". At the Abington Inn in Warren Township, a group of settlers formed an organization called "The Compact" to protect legitimate settlers against claim jumpers. For a time, this was the only protection available.

A person's claim to a tract of land was expressed by the construction of a dwelling, the fencing or "breaking up" of the land, or the marking or cutting down of trees in various places on the property. This claim was usually respected for a season and until such time as the person could reasonably

return and continue the evidence of his claim. Although a large portion of Northern Illinois was claimed by this method, conflicts soon arose from multiple "claims" to property.

The first resort to a court of justice to settle a dispute concerning the occupancy of a "claim" was on the part of a Mr. Blaidsdell against Ezekiel Boyland. The land in question is located in what is now Warren Township. The court action took place in January 1836 and the process was issued by a Justice of the Peace in Chicago. The defendant appeared but the proceeding was not sustained, ending in judgment in favor of Boyland.

Another early court action, in what is now Lake County, was heard before Justice of the Peace Hiram Kennicott in the fall of 1837. It was a proceeding in the name of the People of Illinois against Michael Dulanty for an alleged assault and battery. The scene of the alleged conflict was the Green Bay House, a log tavern on Green Bay Road between what is now Highland Park and Highwood. The action was initiated at the request of Arthur Patterson, the purported victim of the offense. Dulanty pleaded justification; that his integrity had been impugned by Patterson. Patterson, who had recently been elected Justice of the Peace, cited the dignity of his official position as a factor in aggravation.

The Justice, concurring in the position of Patterson, agreed that it was a high offense to assault a person representing the dignity of a magistrate of the law, and imposed a fine of five dollars.

In 1836, McHenry County was created, from what was then Cook and LaSalle Counties, and embraced all of its present territory including what is now Lake County. The Seventh Judicial Circuit formed in 1837 consisted of Iroquois, Will, LaSalle, Kane, Cook and McHenry Counties. The first term of the Circuit Court in Lake or McHenry County was held in McHenry on May 10, 1838 with the Honorable John Pearson of Danville presiding. Court sessions, restricted by statute to three days, were held in the upper story of a log house occupied as a tavern. With a docket of 62 cases, the court heard 19 the first day -- 3 for trespassing and 1 for slander. On the second day the Grand Jury returned three indictments for larceny and one for assaulting an officer. By the adjournment of court on May 12, all but 18 cases had been disposed.

It has been said of that session that, "this court was one of the curiosities of the day for there was scarcely an adult in the county who wasn't either a plaintiff, defendant, juror or witness. There were some regular backwoods times during the short session. All kinds of gaming at cards and horse racing were practiced. The essence of rye was dealt out at no small rate, not less than five or six barrels having been drunk, and the place left dry, before Court rose."

At the September term, the Circuit Court of McHenry County had 81 cases on the docket and at the May term of 1839 there were 138. Most of these cases arose out of counterfeiting and horse theft. During 1837-1839 there were 52 marriages recorded but the first probate case, that of Samuel Tiebout, was not filed until October, 1839.

On March 1, 1839, an Act of Legislature granted the prayer for a division of McHenry County, and the County of Lake was created. The Seventh Circuit by an Act of February 23, 1841, was made to consist of the counties of McHenry, Dupage, Cook, Grundy, Will, Iroquois and Lake and was assigned to Judge Theophilus W. Smith, of Chicago.

The first term of the Circuit Court in Lake County was held at Independence Grove (Libertyville) in April 1840, at the school house. Judge John Pearson, again, presiding. The first civil case disposed of was that of Samuel Hurlbut vs. William Easton. The judgment of the lower court, which was for six dollars damages before a Justice of the Peace, was affirmed. The first criminal case was People vs. John J. Gatewood, indicted for stealing five dollars from Absalom Funk, a drover. About this time,

there was a Senator of note in this State, whose name was Gatewood. When arrested, the individual announced that he was Senator Gatewood and demanded an apology from the officer. When put on trial, he gave his real name of Shepard. He was convicted and sentenced to one year in the penitentiary.

By October 20, 1841, the Circuit Court of Lake County was being held in Little Fort, now known as Waukegan, Judge Theophilus W. Smith, of Chicago, presiding. The sessions were held in the upper room of an old storehouse under the bluff, known as the Kingston Building.

The years between 1841 and 1957 saw the judicial circuits reorganized four times by Acts of the Legislature with various changes made in the organization of the judiciary. However, Lake and McHenry Counties remained circuit partners throughout. Then, in 1957 Lake and McHenry Counties were detached from the Seventeenth Judicial Circuit and became the Nineteenth Judicial Circuit.

In the 1950's and early sixties adult probation cases were handled by young attorneys who were appointed by the County or Circuit Court, and were paid a stipend of \$600.00 per month. In the early 1960's two of those lawyer-probation officers were Gene Snarski and Hercules Paul Zagoras. The stipend was entirely County funded.

By the mid-sixties most cases were handled by the Lake County Probation Department. In 1968 the department consisted of nine officers and one chief probation officer. The State of Illinois paid a salary subsidy of \$300.00 per month providing that over 50% of the cases that each officer supervised were juveniles. State subsidies for adult probation officers did not exist. The department was funded by the County of Lake.

In the latter part of 1968, plans were formulated by Chief Judge Laverne Dixon to upgrade the adult probation system in Lake County, in order to better serve the Courts, and its ever-increasing number of criminal cases. At that time, all adult probationers were reporting to the juvenile court probation officers, which supervised them in addition to their heavy juvenile caseloads.

On December 1, 1969, Chief Judge Dixon handed down an order establishing a separate and autonomous Adult Probation Department with a staff of one chief probation officer, one probation officer, and one secretary. In January of 1970 a statistical report revealed that the caseload was 644 cases and that during the previous year 330 pre-sentence investigations were conducted. Caseloads were 300% to 400% above national standards. In view of the aforementioned, one additional officer was added, raising the total to three officers, one chief, and one secretary. The operational budget for adult probation was completely county funded.

In 1971, due to managerial problems in the Juvenile Probation Department, a Department of Court Services was formed with the directorship being given to the Chief Adult Probation Officer in addition to his existing duties. For many reasons, e.g., no unified budget, poor administration, lack of cohesiveness, etc., the Court Services model was abandoned in late 1974. The system reverted back to separate adult and juvenile probation departments with their own respective chiefs.

Later, the administration of the detention center came under the administration of the chief juvenile probation officer.

During the late seventies and early eighties both departments increased in staff reflecting increased duties and caseloads. With the exception of juvenile officer state subsidies, the County of Lake provided both departments' operating budgets.

In January of 1984 legislation, originally vetoed by Governor James Thompson, was overridden by a coalition of counties and interested groups. This bill substantially upgraded probation in Illinois. In return for complying with personnel, promotional, hiring, supervisory, and other state mandated standards; each county would receive \$600.00 per month subsidy for each existing probation position. In addition, all chief managing officers, specialized program officer and officers added as per workload standards, would be reimbursed 100% of salary plus benefits. The legislation vested administration of the new law with the Probation Division of the Administrative Office of the Illinois Courts.

Subsequent to this legislation Chief Judge Jack Hoogasian requested that the Probation Division complete a study as to the feasibility of establishing a model court services department to comply with the new legislation. The division prepared a study carefully outlining the advantages and disadvantages of such a system. As a result of the study, Judge Hoogasian informed his fellow judges of his intent to form such a model department in March of 1984.

In April of 1984 the Adult and Juvenile Probation Department were merged in terms of staff and programs. The following fiscal year the two budgets were combined. During FY-85 nineteen (19) positions were reimbursable at the detention center and fifty-seven (57) positions were reimbursable from the combined juvenile and adult functions (total 76). The new department, when formed, had about 1,300 adult cases and 225 juvenile.

In July of 1987 H. B. 777 became law. This Bill provided that all qualifying subsidy officers would receive an increased subsidy to \$1,000.00 per month. All chief managing officers, new programs, and officers added because of workload increase would receive 100% of their salary from the State. In return the County picked up all fringe benefits. The State also reimbursed mileage expenses of certain classes of officers.

In October 1988, the Court Services Department was reorganized and streamlined in terms of managerial positions. Also included in the reorganization was a review of all contractual arrangements and work assignments of all staff. The Chief Judge, along with all Circuit Judges, created the Administrative Office of the Court, Nineteenth Judicial Circuit. The following are the highlights of this reorganization:

- Administrative Assistant position converted to a secretary and a data entry clerk.
- Probation Officer Public Service Van Driver converted to civilian van driver function.
- Director, Assistant Director and four Deputy Directors converted into one Deputy Administrator, one Assistant Administrator and four line staff positions (plus savings).
- Two contractual employees converted into full-time-in-house staff (plus savings).

Staff court services manning grew in reimbursement and positions until 1991 (FY-92) where a reduction is noted because of budgetary shortfall. Had the State of Illinois not experienced a shortfall, the County of Lake during the State's FY-92 would have received \$1,992.18 in subsidies to maintain current programs and staff.

As it was, County of Lake (FY-92) budget saw the elimination of the Drug program and four staff due to shortfall in State reimbursements. Further, as insurance for the possibility of further cuts that year they did fill two existing positions. Workload has increased. Today, the Court Services Division supervises over 3,400 adult and juvenile offenders. In the last 40 plus years the Nineteenth Judicial Circuit's workload, caseloads, and responsibilities have never gone down-and continues to increased year after year.

LAKE COUNTY COURTHOUSE

As previously noted, court in Lake County was originally held in the schoolhouse in Libertyville. In 1841, when the county seat was moved to Little Fort (Waukegan), court was held in the Kingston Building, located on the bluff.

The first public building erected in the new county seat was a city jail erected by Burleigh Hunt in 1842.

It soon became evident that Lake County was in need of a structure to be specifically designated as a courthouse. When the new county commissioners decided to buy a plot of land on which to build a courthouse, the \$200.00 in gold necessary for the purchase was loaned to them by Elmsley Sunderlin, who had been one of the supporters of the project moving the county seat from Libertyville. Part of the ceremony celebrating the moving from Libertyville consisted of planting a cedar post at the spot considered the highest piece of ground in Little Fort. This was the southeast corner of section 21, on Sheridan Road.

In 1843 the County contracted for a building to be built on that spot. The new courthouse was to be 40' x 60', cost \$3,800.00 and be completed by October 1844, in time for the fall term of court. The project was, however, not completed until 1845.

In 1853 a small brick building was erected near the courthouse to hold the clerk's records and files. This later proved to have been providential, because on October 21, 1875 the courthouse caught fire. There is evidence that some people who did not appreciate the architecture and who believed that Lake County needed a larger more modern facility watched the courthouse burn in lieu of fighting the fire. The destruction of the courthouse left Lake County void of an appropriate facility in which to hold court. Hence, a courthouse was built in 1878 on County Street in Waukegan on the site where the courtyard of the present courthouse is located. The cost of the building, which had one courtroom, was about \$40,000. While the courthouse was being built, court was temporarily held at Phoenix Hall on Washington Street in Waukegan.

George Kirk, Chairman of the Building Commission, was presented with a gold headed cane by the Board of Supervisors as a token of their appreciation for his completing the building within the appropriation.

In 1895 the first telephone was installed in the courthouse; in the beginning one phone had to do for the entire building. In 1901, cement sidewalks replaced the dirt yard of the courthouse square.

During the first World War, in 1917, a government radio receiving station was placed in the courthouse to receive messages from ships in both the Atlantic and Pacific Oceans. The messages were then carried to the Great Lakes Station.

Eventually the courthouse proved to be too small. In 1923 work was begun on badly needed additions to the main courthouse building. In time, even this was not sufficient to meet the needs of the growing county. In 1958 an attempt was made to relieve the overcrowded condition of the courthouse; a bond referendum was held which was decisively defeated by the voters. As a temporary solution, the one large courtroom was divided into two smaller courtrooms. Eventually, in 1969, the current courthouse was built. It is located on County Street in Waukegan. This courthouse was built around the then existing courthouse, which was not torn down until completion of the current courthouse. The courthouse was not built, however, without legal battle.

For soon after the referendum was defeated legislation had been passed permitting a Public Building Commission to issue revenue bonds. The Lake County Public Building Commission was established, and after careful study it was determined that a courthouse complex was needed. This was to be an eleven million dollar project. The project was started but a suit was filed testing the constitutionality of the Commission and the enabling legislation. After a long delay, the suit filed by attorney Paul Hamer, which named Robert Bowman on behalf of himself and all the other taxpayers of Lake County as plaintiffs, was dismissed. Another suit was then filed by Attorney Hamer challenging the constitutionality of the Commission on 17 grounds.

The State's Attorney, with the help of the Lake County Bar Association, defended the action. A counter-claim filed on behalf of the Bar Association sought to restrain Robert Bowman and all other taxpayers from instituting further litigation. Judge Seidel of the Circuit Court of Kane County, who was assigned the case by the Illinois Supreme Court, granted the counter-claim and signed the injunction order. Appeal by the plaintiffs to the Illinois Supreme Court followed, but the court denied the appeal. Following other legal hurdles, the opinion approving the bonds was issued and construction of the current courthouse complex began; after 1282 working construction days, the building, dedication of which occurred on May 1, 1970, was completed. The Lake County Courthouse Complex contains a four story courthouse, a ten story county administrative building and a four story jail.

In the mid '70's, the Administrative Office of the Illinois Courts initiated and funded a pilot program for Court Administrators. The program proved to be a success and the Court Administrator position became permanent in 1975 funded by Lake County.

The Administrator and his professional staff are appointed by the Circuit Judges of Lake and McHenry Counties and work directly under the auspices of the Office of the Chief Judge. All court operations of the Administrative Office of the Courts are under the direction of the Administrator. In addition to managerial responsibilities, the Administrator is charged with analyzing statistical data and space needs and long-range planning and development.

In 1984, the Administrator, now known as Executive Director, became a member of the planning committee for a new Jail/Courts Building. Regular meetings with architects were held during the following year and in 1986 groundbreaking for a new Lake County Jail/Courts Building took place south of the main courthouse at 20 South County Street. This new building would consist of a four story modern pod-designed jail (with a fifth story shell for the future). The design of the building was also to include housing for three criminal courtrooms, judges' chambers, jury rooms, a secretary's office, court reporter offices and a small law library.

In 1996, the structure that had been the old jail was completed rehabilitated and reconfigured. Six new courtrooms with jury deliberating rooms, chambers and anterooms were constructed along with multiple conference rooms. A new Jury Assembly room with a lounge and restrooms was also built. The Circuit Clerk's Offices, staff and storage were relocated in the lower level of lower level of the facility.

In September 1998, the main courthouse complex was reconfigured and courtrooms and support facilities were upgraded. Two new courtrooms and several meeting rooms were added to the first floor. The Law Library was expanded and relocated adjacent to the rotunda at the central core of the building. Kid's Korner, the children's waiting room, was expanded and relocated off the first floor court house corridor.

Circuit Judges from Lake and McHenry Counties

Note: As of January 2007 McHenry County parted from the 19th Judicial to form the 22nd Judicial Circuit of Illinois

1862 - 1878	Theodore D. Murphy	1984 - 1989	Fred A. Geiger
1877 - 1897	Clark W. Upton	1984 - 1999	Bernard E. Drew, Jr.
1897 - 1903	Charles H. Donnelly	1984 -	Michael J. Sullivan *
1901 - 1914	Charles Whitney	1986 - 2004	John R. Goshgarian
1912 - 1936	Edward D. Shurtleff	1989 - 2006	Stephen E. Walter
1914 - 1930	Claire C. Edwards	1991 -	Raymond J. McKoski
1930 - 1951	William L. Pierce	1991 - 2006	Henry C. Tonigan, III
1930 - 1951	Ralph J. Dady	1991 - 1998	James C. Franz *
1945 - 1972	William M. Carroll	1992 - 1994	Susan Fayette Hutchinson *
1946 - 1958	Charles Jack	1994 - 1996	Conrad F. Floeter *
1951 - 1962	Bernard Decker	1996 -	Jane D. Waller
1957 - 1960	Sidney H. Block	1996 - 2004	Ward S. Arnold *
1961 - 1964	Thomas Moran	1996 - 2002	Barbara Gilleran Johnson
1962 - 1969	Phillip W. Yager	1996 -	Sharon L. Prather *
1963 - 1967	Glenn K. Seidenfeld	1996 - 2002	Thomas A. Schermerhorn, Sr *
1964 - 1976	LaVerne A. Dixon	1997 -	Margaret J. Mullen
1964 - 1977	Charles S. Parker	1998 - 2000	Haskell M. Pitluck *
1964 - 1979	James H. Cooney	2000 -	David M. Hall
1946 - 1966 1968 - 1970**	Minard E. Hulse	2000 -	Christopher C. Starck
1970 - 1980	Fred H. Geiger	2000 -	James K. Booras
1970 - 1980	Lloyd A. Van Deusen	2000 -	Maureen P. McIntyre *
1970 - 1984	Harry D. Strouse, Jr.	2001 -	Mary S. Schostok
1972 - 1972	L. Eric Carey	2002 -	Victoria A. Rossetti
1972 - 1977	William Gleason	2002 -	Michael T. Caldwell *
1972 - 1983	John J. Kaufman	2004 -	Fred Foreman
1973 - 1980	Henry H. Caldwell	2005 -	Michael J. Chmiel *
1973 - 1980	Thomas R. Doran	2006 -	John T. Phillips
1974 - 1986	John L. Hughes	2006 -	George Bridges
1976 - 19	Roland A. Herrmann	2007 -	Valerie Boettle Ceckowski
1977 - 1983	Robert K. McQueen		
1978 - 1996	Henry L. Cowlin		
1980 - 1984	Leonard Brody		
1980 - 1999	Jack Hoogasian		
1980 - 1986	Lawrence D. Inglis		
1980 - 1996	William D. Block		
1984 - 2000	Charles F. Scott		

* - Denotes McHenry County Judges

** - Requested to return from retirement

Historical Pictures of Lake County, Illinois Courthouse



The 1841 Courthouse and Recorder's Office

This first Courthouse was destroyed by fire in 1875.

Waukegan, Illinois (Photo circa 1870)

(Photo courtesy of Lake County, Illinois Museum/Regional History Archives)



Early Employees of the Court

First row: Mary Dorsett, George Chandler, Lewis Dorsett (County Clerk 1877-1893), Judge Francis Clark (1879-1894), Ada Kinnie, Jennie Thomas. Back row: Geo Hutchinson, James Jamieson, A. L. Hendee (County Clerk 1893-1910), Andrew Conard
(Photo circa 1890)

(Many thanks to Mr. & Mrs. Tom Sisolak of Fort Worth, TX in helping to identify the year and unknown members pictured above.)

(Photo courtesy of Lake County, Illinois Museum/Regional History Archives)



Second Courthouse & Jail, Waukegan, Illinois

Completed in 1878, this courthouse and tree-lined square served the citizens of Lake County for 90 years

(Photo circa 1950)

(Photo courtesy of Lake County, Illinois Museum/Regional History Archives)



Second & Third Courthouses, Waukegan, IL

The 1878 courthouse, minus the clock tower, standing side-by-side with the current international style courthouse

(Photo circa January, 1968)

(Photo courtesy of Lake County, Illinois Museum/Regional History Archives)



Lake County Administration Building & County Courthouse

The courthouse moved from the 1968 Courts and Administration tower building into the new courthouse section in 1970. This area housed sixteen courtrooms, court administration and the Circuit Clerk of the Court. Additionally, the Jail was built on the back of the complex at the corner of Utica and Washington. (Photo circa 2001)



The Lake County Administration, Courthouse & Court Annex Buildings

The Court Annex (previously the jail) was renovated and completed in 1998, adding six additional courtrooms and a large jury assembly room. The Circuit Clerk of the Court moved into the lower level of the Annex in 1997.

(Photo circa 2001)



Adult Probation and Psychological Services & Public Defender's Office

Previously located at 15 South County Street, Waukegan, IL. Formerly the Chicago Title Company, the county renovated it and moved-in in October 1994.

(Photo circa 1999)

(Adult Probation moved to 215 W Water Street in September 2007)



Robert W. Depke Juvenile Justice Complex & Minard E. Hulse Juvenile Detention Center

Located at 24647 North Milwaukee Avenue, Vernon Hills, Illinois. Formerly the Lutheran General Hospital, the county renovated it and moved-in in 1997.

(Photo circa 1999)



Lake County Traffic Branch Court #1 & #2

430 Lakehurst Road, Waukegan, IL.

(Photo circa 1999)



Lake County Traffic Branch Court #3

1854 E. Belvidere Road, Grayslake, IL.

(Photo circa 1999)

(Closed in 2005, court moved to the North Branch Court)



South Branch Court, Mundelein

105 E. State Route 83 (SR83), (Hwys. 83/60 and Diamond Lake Road), Mundelein, IL

(Photo circa 2003)



North Branch Court, Round Lake Beach

1792 Nicole Lane, Round Lake Beach, IL

(Photo circa 2005)



Lake County Adult Probation & Psychological Services Building

215 West Water Street, Waukegan, Illinois

(Photo circa 2007)

New construction is under way on the new Park City Branch Court located on Greenleaf Road to replace the Lakehurst Court facilities.

Estimated opening planned for July 2008

CHAPTER 3 - ORGANIZATION OF THE ILLINOIS COURT SYSTEM TODAY

Illinois has the distinct advantage of not only having one of the first truly unified court systems in the nation, but also having had the opportunity in the 1970 Constitution of refining and improving that system after a trial period. The 1964 Judicial Article established a model court system of simplicity, efficiency, and flexibility. After seven years of scrutiny and analysis this successful system was modified to eliminate some of the minor flaws. Illinois now has a judicial system to meet the needs of its citizens, a system built on tradition but designed with flexibility to accommodate future needs as well.

The Judicial Article of the Illinois Constitution of 1970 (Article VI) provides for a unified, three-tiered judiciary, comprising of the Circuit Courts, the Appellate Courts, and the highest Court in the State, the Illinois Supreme Court. Cases are normally channeled to the Supreme Court from the Appellate Court, but in cases where a Circuit Court has imposed a sentence of death, the law provides for an appeal directly to the Supreme Court, bypassing the Appellate Court.

THE ILLINOIS SUPREME COURT

Under Illinois law the Supreme Court has original and exclusive jurisdiction in matters involving legislative redistricting and in determining the ability of the Governor to serve in the office. The Supreme Court also has discretionary original jurisdiction in cases relating to State revenue and writs of mandamus, prohibition, or habeas corpus.

The Illinois State Supreme Court is comprised of seven Justices, representing various districts in the State. A majority vote of four is required to decide a case.

THE APPELLATE COURT

The Illinois Constitution provides for an Illinois Appellate Court, which is divided into five Judicial Districts. The Nineteenth Judicial Circuit, which includes Lake County, and four other judicial circuits comprise the Appellate Court for the Second Judicial District. The Appellate Courts hear matters appealed to it from the trial courts. Any person has a right to file an appeal from the trial court. In the Appellate Court there are no trials, no witnesses and no testimony. Cases on appeal are decided on the basis of whether an error was made in the application of law during the trial in the Circuit Court. Attorneys argue before the Appellate Court concerning this possibility of error, they do not retry the case. Three Appellate Justices sit on each case and a majority vote of two is needed.

The Appellate Court affirms the trial court decision if it finds there has been no error committed in the application of law, or if the error was so minimal that it made little difference in the outcome of the trial. The Appellate Court reverses or remands the trial court decision if there has been a substantive error in the application of the law. In this instance the case is normally sent back to the trial court for further action.

THE CIRCUIT COURT

The Circuit Courts in Illinois are courts of general jurisdiction, which means they have original jurisdiction in all matters excepting those limited situations where the Supreme Court has original jurisdiction. These trial courts hear civil cases from small claims to cases seeking over \$30,000, and criminal cases from traffic to murder. Domestic relations, juvenile, probate and tax cases, among others, are also part of the Circuit Court caseload.

The State of Illinois is divided into 22 Judicial Circuits. Each Judicial Circuit is comprised of one or more counties. Circuit Courts, also referred to as trial courts, are established within each judicial circuit.

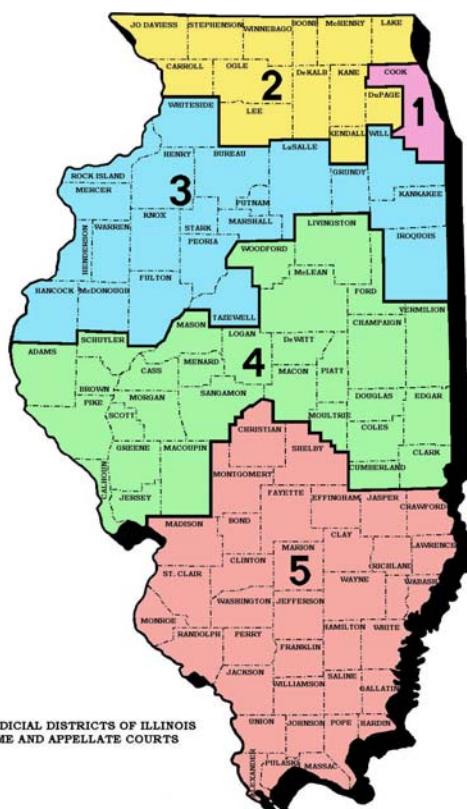
JUDGES AND JUSTICES

The judges of the Supreme and Appellate Courts are usually referred to as justices. The Circuit and Associate Judges of the trial courts are called judges. Supreme and Appellate Justices and Circuit Judges are elected by the voters in partisan elections after being nominated at primary elections or by petition. Under the 1970 Constitution, an elected judge must receive 60% of the votes cast in order to retain the office, rather than a simple majority.

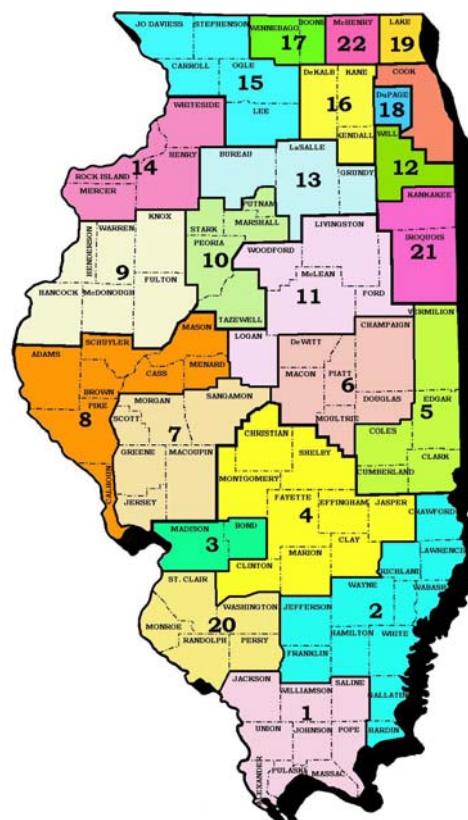
There are two types of judges in the Circuit Courts: Circuit Judges are initially elected for a six year term, either on a circuit-wide basis or from their county of residence. Thereafter, every six years they must run circuit-wide for retention. Annually, the Circuit Judges elect a Chief Judge. The Chief Judge provides administrative guidance to the entire circuit.

Associate Judges are appointed by the Circuit Judges on a merit basis for a four year term. Thereafter, they are considered for retention by the Circuit Judges every four years. Associate Judges may hear a variety of cases, except felony cases, unless so authorized by the Supreme Court.

THE ILLINOIS COURT SYSTEM DISTRICTS AND CIRCUITS



Map of the Illinois Appellate Courts Districts



Map of the Illinois Circuit Courts

ORGANIZATION OF THE NINETEENTH JUDICIAL CIRCUIT

Office of the Chief Judge

Criminal Division

- Felony
- Misdemeanor
- Traffic (w/DUI's)
- Ordinance Violations
- Conservation
- Contempt of Court

Civil Division

- Law: Damages over \$30,000
- Mandatory Arbitration
- Chancery
- Probate
- Small Claims
- Other (Misc. Remedy, Eminent Domain, Tax, Municipal Corporation and Mental Health)

Family Division

- Juvenile
- Juvenile Delinquent
- Abuse/Neglect
- Dissolution Marriage
- Adoption & Support
- Orders of Protection

ADMINISTRATIVE OFFICE OF THE NINETEENTH JUDICIAL CIRCUIT

DIVISION OF JUDICIAL OPERATIONS

- Court Administration
- Jury Commission
- Alternate Dispute Resolution
- Court Reporters
- Court Interpreters
- Compliance Program
- Kids' Korner
- Law Library

CORE SUPPORT UNITS OF LAKE COUNTY

- Judicial Budget and Finance
- Judicial Human Resources
- Judicial Information Systems
- Legal Research Services

DIVISION OF ADULT PROBATION SERVICES

- Standard Adult Probation Supervision
- Intensive Probation Supervision

- Specialized DUI Unit
- Sex Offender Unit
- Pre-Sentence Investigation Unit
- Domestic Violence Unit
- Pre-Trial Services
- Public Service

DIVISION OF PSYCHOLOGICAL SERVICES

- Community Resources
- Counseling Services
- Testing and Evaluation

DIVISION OF JUVENILE SERVICES

- Intake/Admissions/Release
- Central Control
- Detention Services
- Probation Services
- Special Services
 - Juvenile Intensive Probation Services (JIPS)
 - Placement Aftercare Services (PAS)
 - Victim Assistance and Restitution Program (VARP)
 - Home Detention
 - Public Service
 - Adoption Service

CHAPTER 4 - COURTS AND TRIALS

Thus far you have learned about the evolution of the American court system, the organization of the Illinois Court system, and the history of the Lake County Circuit Court. All of the preceding information leads us to the trial process.

The main purpose of courts in the United States is to guard the individual freedoms that all citizens have. In the courts, all persons are treated equally. Sometimes people disagree with one another, despite our system of laws. Trials can be the solution of conflicts, but the courts should be used as a last resort.

This section will describe the various types of trials, and the people in the court who work toward the goal of resolving disputes.

CIVIL AND CRIMINAL CASES

Courts have two jobs: (1) to decide what the facts are when there is a dispute between two people and (2) to decide what law apply to the facts. Each person who goes to court has a right to an impartial hearing. That means that the court, through the judge and sometimes a jury that will hear the case, will listen carefully to what is said and make a decision based on the facts that are presented and not based on opinions or prejudices.

There are two types of cases: civil and criminal. A civil case is one involving a disagreement between two people, between people and companies or between people and government agencies. Examples of civil lawsuits include damages arising from an automobile accident, divorce, or breach of either a written or oral contract. Individuals who lose their civil cases or are found guilty of a crime, or in a juvenile case are found to be delinquent, can expect to face consequences for their actions. These can be in the form of damages to be paid, a fine, or in the case of a juvenile, detention, probation, or a jail sentence. The judge decides what the penalty will be.

Criminal cases are actions brought by the State or Federal government against an individual charged with committing a crime. A criminal case involves people who are charged by the government, with the violation of a law. Examples of criminal cases include arson, assault, burglary, fraud, murder and selling or using illegal drugs. Individuals who are found guilty in a criminal case may be required to pay a fine, spend time in jail or prison, or repay those who have been harmed.

TRIAL COURT PERSONNEL

There are many people involved in the operations of a court. The following people are those who you may see if you visit a courtroom:

JUDGE - As a judge presiding in a court of law, it is the judge's responsibility to insure that justice is administered in a fair and impartial manner. The judge makes rulings on all questions relative to law and legal procedure within the courtroom. In a jury trial, the judge is responsible for making rulings and instructing the jury on the law as it applies to each particular case. When the judge is not presiding over a trial, he/she is working in their office (called chambers) conducting pre-trial conferences, doing legal research, or attending to other judicial matters.

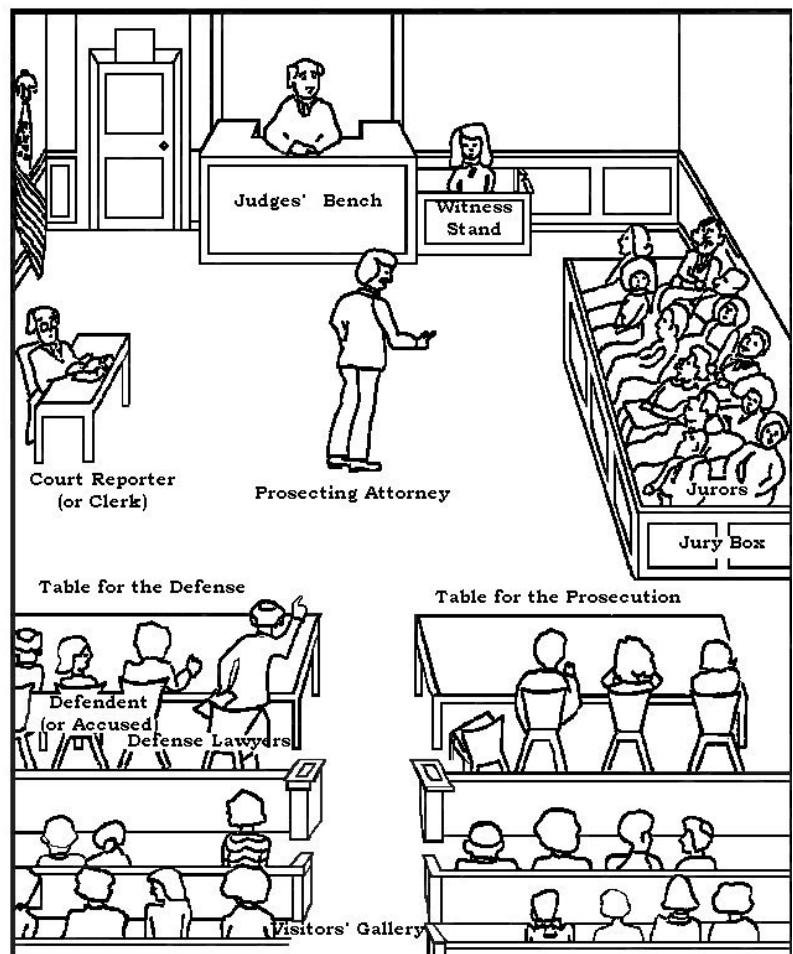
COURT OFFICER - It is the responsibility of the officer to call court to order and to maintain order and dignity in the courtroom, as well as provide secure surroundings for the judges, attorneys, witnesses, court reporter, clerk, and all other individuals in the court environment. Additionally, the court officer assists the judge in many capacities, including insuring the jurors' safety and privacy in jury trials.

COURTROOM CLERK - This individual is charged with the responsibility of keeping the records and accounts of the court. Specifically, the Clerk assists the judge with court files, calling cases for a court call, and keeping track of all of the papers filed in court. Additionally, the Clerk administers an oath to jurors, and swears in witnesses.

COURT REPORTER - The primary responsibility of the Court Reporter is to record all audible utterances in a court proceeding, and, upon request, produce a written transcript of that proceeding. Each and every word spoken by any person must appear in the record. These records are important in case the ruling by the trial court is appealed. Since there are no witnesses nor testimony heard at the Appellate Court level, the Court relies upon the transcript which is generated to review the trial court's actions.

ATTORNEYS - An attorney is an officer of the court, who is an advocate and represents people and their interests to the best of their ability. Attorneys generally fall into three categories: (1) a State's Attorney, who is responsible for prosecuting individuals charged with a criminal offense; (2) a Public Defender, who provides legal assistance to people who are unable to afford an attorney to defend criminal charges against an individual; and (3) a private attorney, who represents clients in all types of matters - criminal and civil.

SAMPLE COURTROOM SETTING*



This is an approximation of what a courtroom looks like during a jury trial.

*Source: Elementary Law Related Activities. A joint project of: The Devils Lake Public Schools, North Dakota Department of Public Instruction, State Bar Association of North Dakota, and North Dakota Combined Law Enforcement Council 1978.

CHAPTER 5 - DRIVING UNDER THE INFLUENCE (DUI) IN ILLINOIS

A Safer State With .08

The creation of Illinois' .08 law marked an important milestone in our state's efforts to end drunk driving and improve safety on our roadways.

With this law, Illinois joined a growing number of states that recognized a blood-alcohol content (BAC) of .08 percent as the level at which all motorists are too impaired to drive. Any person who now drives in Illinois with a BAC of .08 or more risks being charged with Driving Under the Influence (DUI).

Unfortunately, alcohol involvement is still the most common factor in highway deaths and injuries. While only 7 percent of all crashes involve alcohol use, 41 percent of fatal crashes do.

Research shows that states with a .08 BAC limit law experiences a significant decline in alcohol-related crashes, injuries and deaths. They do so primarily because .08 laws make all motorists - even habitual drunk drivers - far more reluctant to drink and drive. Experts estimate that as many as 65 lives could be saved each year in Illinois - and thousands of injuries prevented - due to the .08 law.

By setting a lower limit on the amount of alcohol motorists can consume before driving, we hope Illinois can also save lives and spare more families from heartbreaking, needless tragedies.

What is .08?

In Illinois, a person with a BAC of .08 is considered legally drunk. A driver's BAC is determined by the ratio of alcohol to breath or blood and may be measured by a breathalyzer or blood test.

Any person found operating a motor vehicle in Illinois with a BAC of .08 percent or more can be charged with Driving Under the Influence. A DUI arrest triggers an automatic suspension of one's drivers license.

Is a person really impaired at .08 BAC?

Research shows that critical driving skills are impaired for anyone with a .08 BAC. A driver's attention, comprehension and re-action times are substantially diminished at .08 BAC. Specific skills, such as lane changing, braking and acceleration, also are significantly affected.

At .08 BAC, a driver is 11 times more likely to be killed in a single vehicle crash than a non-drinking driver.

How does the law affect you?

The .08 BAC limit encourages people to think twice about getting behind the wheel after they have had too much to drink. Drivers must make responsible decisions about transportation - before they drink - such as using a designated driver or calling a cab.

What are the consequences of a DUI?

Driving Under the Influence is a serious criminal offense with devastating consequences.

- A person caught driving with a BAC of .08 percent or more can be arrested and charged with DUI and will face an automatic driver's license suspension. A DUI charge can result in the offender being handcuffed, booked, finger printed and put in jail.

- Getting a DUI is costly, embarrassing and leaves a permanent blemish on a person's driving record. Bail bond, fines, attorney fees, court costs, increased insurance premiums and alcohol education programs all contribute to the \$9,000 average cost to a DUI offender.
- By far, the most devastating consequences of DUI are thousands of needless, senseless injuries and deaths. Nationally, more than 17,000 people die each year in alcohol-related crashes, and about 1 million people are injured.

What can you do?

- Think before you drink. Before you begin drinking, choose a designated driver — a person who voluntarily abstains from drinking alcohol and pledges to take everyone home safely.
- If you or someone you know has been drinking, arrange for a taxi or other means of safe transportation home.
- Keep in mind that alcohol impairs judgment. After consuming several drinks you may convince yourself that you can drive safely. Statistics prove otherwise.

Use It & Lose It (Zero Tolerance Law)

Under the "Use It & Lose It" zero tolerance law, drivers under age 21 with any trace of alcohol in their systems will lose their driving privileges. A zero tolerance offense involves the following administrative penalties as outlined below.

Underage drivers are charged with driving under the influence if there is any trace of alcohol, any illegal drugs in their system or if the arresting officer believes the driver to be chemically impaired. A DUI conviction involves both administrative and criminal penalties and will result in both the revocation of the driver's license and the suspension of vehicle registration privileges.

Penalties for drinking and driving under age 21	Zero Tolerance (BAC of .01 or greater)	DUI Conviction (BAC of .08 or greater)
Loss of driving privileges 1st violation	3 months	2 years minimum
Test Refusal 1st violation	6 months	2 years minimum
Loss of driving privileges 2nd violation	1 year	Until age 21 or 3 years minimum
Test Refusal 2nd violation	2 years	Until age 21 or 3 years minimum
Effect on driving record	Except during suspension period not on public driving record as long as there is no subsequent suspension	Permanently on public driving record

Frequently asked questions regarding the zero tolerance law:

What leads to testing for alcohol?

A police officer will test for alcohol if, after issuing a citation for any traffic offense, he or she has probable cause to believe a driver has consumed alcohol. Based on the driver's physical condition or the police officer's first-hand knowledge, a test may be requested.

Aside from the loss of driving privileges and possible fines and jail time, what other consequences can drinking and driving have?

Drinking and driving can result in injuries or death of the driver, passengers, and others. It leads to high insurance costs, mandatory alcohol evaluation and treatment, court and attorney fees and negative long-term effects on your driving record and job opportunities.

Are there any exceptions to suspension?

The only people not subject to this law are those who consumed alcohol in a religious service or ceremony, or those who ingested the prescribed or recommended dosage of medicine containing alcohol. This evidence can be presented at an administrative hearing and does not require a court appearance.

Under what conditions can a person drive while suspended?

A restricted driving permit can be issued after a portion of the suspension period has passed to relieve undue hardship. It may allow driving for specific employment or educational purposes as well as for obtaining medical care.

If you have additional questions, please contact the Secretary of State's office at:

Driver Services Department
2701 South Dirksen Parkway
Springfield, IL 62723
217/785-9323 in Springfield

SUSPENDED DRIVING PRIVILEGES

The State of Illinois has declared a policy that a driver who is impaired by alcohol and/or drugs is a threat to the public safety and welfare. In order to minimize the threat to public safety, the State of Illinois has deemed it appropriate to suspend an intoxicated drivers license.

A statutory summary suspension means that driving privileges will be withdrawn for a specified period of time and then reinstated. This will be imposed if the blood alcohol content (BAC) of the driver is .08 or greater or if the driver refuses to submit to or fails a chemical testing. A first offender will automatically receive a three (3) month suspension for a BAC of .08 or greater and an automatic six (6) month suspension for refusal to submit to chemical testing.

The officer will take the driver's license during the arrest and issue a temporary receipt to drive for 45 days. The statutory summary suspension begins on the 46th day after the arrest, and driving privileges are automatically suspended.

First-time DUI offenders may apply to the court for a judicial driving permit (JDP) which would allow them to drive during the suspension (only under certain conditions and when no other form of transportation is available). However, the person must provide the court with a current alcohol and drug evaluation and must prove that a hardship exists.

REVOKE DRIVING PRIVILEGES

If you are convicted of a DUI, your license will be revoked. Unlike the statutory summary suspension, a revoked license is not automatically reinstated at the end of a period of time.

A driver whose license has been revoked must meet the following requirements to have his/her driving privileges reinstated:

1. The driver must undergo an alcohol and drug evaluation. Proof of treatment must be submitted if a problem is indicated.
2. An alcohol and drug remedial education program must be completed.
3. The driver must appear before a Secretary of State hearing officer. Hearings for first offenders may take place at regional driver services facilities.

Subsequent offenders must attend a formal hearing in Springfield, Chicago, Mt. Vernon or Hillside.

At the informal or formal hearing:

1. The person's overall driving record, the seriousness of the offense, and the driver's remedial efforts will all be considered.
2. The driver must demonstrate that public safety will not be endangered.

Prior to reinstatement, a revoked driver is also required by law to:

1. Pay a \$60.00 reinstatement fee.
2. File proof of financial responsibility.
3. Pass the full drivers license examination and pay application fee.

A driver whose license is revoked for a DUI conviction may apply to the Secretary of State's office for a restricted driving permit (RDP). This permit allows a person to drive during the revocation period for employment, educational and/or medical purposes when no other form of transportation is available. Appearance before a hearing officer in the Secretary of State's Department of Administrative Hearings and certain criteria must be met before the driver is issued an RDP. Additionally, the offender must provide proof of remedial education or rehabilitation, present a current professional drug and alcohol evaluation, and prove that a hardship exists.

DUI Information for Adults

DUI Conviction Penalties

First DUI conviction

- o Loss of full driving privileges for a minimum of one (1) year.
- o Possible imprisonment for up to one (1) year.
- o Maximum fine of \$2,500.

Second DUI Conviction

- o Minimum five (5) year loss of full driving privileges for a second conviction within a twenty (20) year period.
- o Mandatory five (5) days in jail or thirty (30) days community service for a second conviction within a five (5) year period.
- o Possible imprisonment for up to one (1) year.
- o Maximum fine of \$2,500.

Third DUI Conviction - Class 4 felony

- Loss of full driving privileges for a minimum of six (6) year.
- Possible imprisonment for up to three (3) years.
- Maximum fine of \$10,000.

Other Alcohol Offenses

Felony DUI

- Class 4 felony (following a crash resulting in great bodily harm or permanent disfigurement.)
- Loss of full driving privileges for a minimum of one (1) year.
- Possible imprisonment for one (1) to three (3) years.
- Maximum fine of \$10,000.

Providing Alcohol to a Person Under Age 21

- Possible imprisonment for up to one (1) year.
- Subject to a maximum fine of not less than \$2,500.

Illegal Transportation of an Alcoholic Beverage

- Maximum fine of \$1,000.
- Point-assigned violation will be entered on drivers record.
- Drivers license suspension for a second conviction in a 12-month period.

Knowingly Permitting a Driver Under the Influence to Operate a Vehicle

- Possible imprisonment for up to one (1) year.
- Maximum fine of \$2,500.

DUI with a minor in the vehicle

- Six (6) month minimum sentence
- A \$1,000 fine and 200 hours of community service for individuals convicted of a Class A misdemeanor for their first conviction of DUI with a minor in the vehicle.
- If bodily injury occurs as a result of the individual's impairment, they could be charged with a Class 4 felony and receive a sentence of one (1) to three (3) years imprisonment and a \$2,500 fine.

Summary Suspension

First Offense

- A chemical test indicating a BAC of .08 or greater results in a mandatory three-month drivers license suspension.
- Refusal to submit to a chemical test(s) results in a six (6) month license suspension.

Subsequent Offenses

- Refusal to submit to a chemical test(s), or test results indicating a BAC of .08 or greater, results in a mandatory twelve (12) months drivers license suspension.

Teenage Drinking and Driving

Drivers under age 21 represent 10% of licensed drivers but are involved in 17% of alcohol-related fatal crashes. If you are arrested for DUI you will be handcuffed and taken to jail. What will your parents say when you call home and tell them you are in jail? Illinois DUI laws for drivers under 21 years of age are tough and will effect your life for years-- if you live that long.

Crashes are a leading cause of death for teens. Nationally, six individuals between the ages of 15 - 20 die in motor vehicle crashes each day. About 2 in every 5 Americans will be involved in an alcohol-related crash at some time in their lives.

The average college student spends more money for alcohol than for books.

Legal Consequences of Underage Drinking and Driving

First Underage 21 DUI Conviction

- Loss of full driving privileges for a minimum of two (2) years.
- Possible imprisonment for up to one (1) year.
- Maximum \$2,500 fine.

Second Underage 21 DUI Conviction

- Loss of full driving privileges for a minimum of three years or until age 21, whichever is longer.
- Mandatory 48 hours in jail or ten (10) days of community service.
- Possible imprisonment for up to one (1) year.
- Maximum \$2,500 fine.

Third Underage 21 DUI Conviction - Class 4 Felony

- Loss of full driving privileges for a minimum of six (6) years.
- Possible imprisonment of one (1) to three (3) years.
- Maximum \$25,000 fine.

Felony DUI

Class 4 Felony (Following a crash resulting in great bodily harm or permanent disfigurements)

- Loss of full driving privileges for a minimum of one (1) year.
- Possible imprisonment of one (1) to three (3) years.
- Maximum first time fine of \$10,000.

Underage Illegal Transportation of an Alcoholic Beverage

- Maximum fine of \$1,000.
- Drivers license suspended for first conviction.
- Drivers license revoked for a second conviction.

Summary Suspension

- A chemical test indicating a blood alcohol concentration (BAC) of .10 or greater results in a three (3) month drivers license suspension.
- Refusal to submit to a chemical test(s) results in a six (6) month license suspension.
- For subsequent offenses, a chemical test indicating a BAC of .10 or greater results in a 12-month drivers license suspension. Refusal to submit to a chemical test(s) results in a 24-month drivers license suspension.

Possession of Alcoholic Beverages

It is illegal for any person under the age of 21 to have alcoholic beverages in their possession, whether open or unopened. Penalties include:

- A maximum of \$2,500 fine and up to one (1) year in jail.

Using a Fake Illinois Drivers License or ID Card

The penalties for using false IDs are serious and could change your life forever.

- Obtaining a drivers license through false affidavit is punishable by 2-5 years in prison and a maximum \$25,000 fine.
- Subject to a fine of not less than \$500 and at least 25 hours of community service.
- Allowing another person to use your identification documents to apply for a drivers license or ID card is punishable by 1-3 years in prison and a maximum \$25,000 fine.

Zero Tolerance Law for Underage Drinking and Driving

Zero tolerance is a state law that went into effect on January 1, 1995. The law provides for suspension of the driving privileges of any person under the age of 21 who drives after consuming alcohol. As the name **Zero Tolerance** suggests, any trace of alcohol in a young person's system can result in a suspended drivers license. The only exception are minors who consume alcohol as part of a religious service or those who ingest a prescribed or recommended dosage of medicine containing alcohol.

Penalties for Drinking and Driving

The Zero Tolerance Law provides that minors suspected of driving under the influence can have their driving privileges suspended even if they're not intoxicated at the .08 BAC level. The following table shows the length of time your driving privileges may be suspended under the Zero Tolerance Law (for BAC of .01 or greater) and DUI Laws (for BAC of .08 or greater). The loss of driving privileges is greater if you refuse to take a sobriety test.

	Under Zero Tolerance Law		Under DUI Laws	
		If Test Refused		If Test Refused
1st Violation	3 Months	6 Months	2 Years	2 Years
2nd Violation	1 Year	2 Years	Until age 21 3 Years Minimum	Until age 21 3 Years Minimum

Effect on Your Driving Record

- **Zero Tolerance** (BAC of .01 or greater) -- Except during suspension period, it will not appear in the offenders on public driving record as long as there is no subsequent suspension
- **DUI Conviction** (BAC of .08 or greater) -- Permanently on the offenders public driving record

Under certain conditions, you may be charged with DUI even though your BAC is below .08.

Blood Alcohol Content Table

This table shows the effects of alcohol on a normal person of a given body weight. This table is not a license to drink irresponsibly. You should avoid drinking and driving under all circumstances. Everyone is different, and alcohol effects each person in a slightly different way. Only you know your limits. Please drink within them.

One drink equals:

1 oz. 86 proof Liquor, or

3 oz. wine, or

12 oz. Beer

Levels of Intoxication:

BAC less than .05% - Caution

BAC .05 to .079% - **Driving Impaired**

BAC .08% & up - **Presumed Under the Influence**

Body Weight	Number of Drinks								
	1	2	3	4	5	6	7	8	9
100	0.032	0.065	0.097	.0129	.0162	0.194	0.226	0.258	0.291
120	0.027	0.054	0.081	0.108	0.135	0.161	0.188	0.215	0.242
140	0.023	0.046	0.069	0.092	0.115	0.138	0.161	0.184	0.207
160	0.020	0.040	0.060	0.080	0.101	0.121	0.141	0.161	0.181
180	0.018	0.036	0.054	0.072	0.090	0.108	0.126	0.144	0.162
200	0.016	0.032	0.048	0.064	0.080	0.097	0.113	0.129	0.145
220	0.015	0.029	0.044	0.058	0.073	0.088	0.102	0.117	0.131
240	0.014	0.027	0.040	0.053	0.067	0.081	0.095	0.108	0.121

This table shows the effects of alcohol within one hour on a normal person of a given body weight. Please do not take this table as a license to drink irresponsibly. Everyone is different, and alcohol affects each person in a slightly different way. Only you know your limits. Please drink within them. **Source:** Illinois State Police website

Traffic Fatalities in Illinois - 1995 to 2006

Year	Total Traffic Deaths	Alcohol Related Deaths	Percent Alcohol-Related
1995	1,586	700	44%
1996	1,477	678	46%
1997	1,395	597	43%
1998	1,393	619	44%
1999	1,456	646	44%
2000	1,418	628	44%
2001	1,274	623	44%
2002	1,420	653	46%
2003	1,454	639	44%
2004	1,355	613	45%
2005	1,361	580	43%
2006	1,254	594	47%

Source - National Highway Traffic Safety Administration - State Traffic Safety System

These statistics may differ from the data posted by the State of Illinois.

MYTHS ABOUT ALCOHOL

- 1. I drive better after a few drinks.** Alcohol does not normally increase physical or mental skills. What it may do is increase confidence and decrease judgment and self-criticism. The drinker may feel as if his performance has improved when in reality it may have declined. At least half of the fatal highway accidents involve drinking.
- 2. Alcohol increases sexual desire and ability.** Contrary to popular belief, the more you drink, the less your sexual capacity. The depressant action of alcohol lowers inhibitions. Therefore, the drinker may respond more freely to sexual stimulation. But, like other activities, too much alcohol reduces performance abilities.
- 3. I don't know any alcoholics.** Maybe you just don't know you know any alcoholic. Some of your best friends may have drinking problems. They don't seem "different", and they usually try to hide their illness, even from themselves. About one out of every ten people who drink has a drinking problem.
- 4. Most alcoholics are skid row bums.** Alcoholism shows no favorites. It is found among all classes of people. It has been estimated that only three to five percent of all alcoholics live on skid row. Furthermore, it seems that only a minority of those living on skid row are alcoholics.
- 5. You are not an alcoholic unless you drink a pint daily.** There's no simple rule of thumb. Experts have concluded that how much people drink may be far less important than when they drink, how they drink, why they drink, and what happens to them when they drink.
- 6. Most alcoholics are middle-aged or older.** A University of California research team has found that the highest proportion of drinking problems is among men in their 40's and 50's.
- 7. Alcoholics are morally weak.** Although there are still people who disagree, alcoholism has been medically and legally classified as an illness. Alcoholics are no more responsible for their drinking than tuberculosis patients are for their coughing.
- 8. All alcoholics drink in the morning.** Although the craving for a morning drink is a common symptom among chronic alcoholics, there are those who don't display it. It is not when drinking occurs, but the lack of control over it when it does occur that defines alcoholism.
- 9. You can't become an alcoholic by drinking only beer.** Even though the percentage is relatively low (2% - 5%), beer still contains the potentially addicting ingredient - ethyl alcohol. People who drink beer merely have to drink more liquid in order to get drunk than they would with wine or whiskey.
- 10. Alcoholics drink every day.** Some alcoholics drink only on weekends, some abstain for months. Alcoholism is not determined by how often people drink but whether or not they can control their drinking once they start.
- 11. Women don't become alcoholics.** Women are not immune to becoming alcoholics. In recent years, the estimated ratio of men to women alcoholics has dropped from 6:1 to 3:1. The increase in the number of women alcoholics has been explained both as an increase in the willingness to be treated, and therefore "discovered", and as an increase in the actual number of cases.
- 12. I'm just a social drinker.** Just because you never drink alone doesn't mean you can't have a drinking problem. Plenty of "social drinkers" become alcoholics.
- 13. The really serious problem in our society is drug abuse.** This is correct and one of those drugs is alcohol. About 300,000 Americans are addicted to heroin, but about 9,000,000 are addicted to alcohol. It's not even close.

14. **People who drink too much, only hurt themselves.** Drinkers hurt and endanger themselves but also their families, their friends, employers, and strangers in the community.

15. **"What a Man! Still on his feet after a whole fifth".** When we stop thinking of "it's manly to drink too much", we have begun to grow up. It's no more impressive to over-drink than it is to over-eat. Often people who seem to be able to out-drink others are developing a tolerance for alcohol and become dependent on it.

16. **Getting drunk is funny.** Maybe in the movies or in jokes, but not in real life. Drunkenness is no funnier than any other illness.

17. **If the parent's don't drink, the children won't drink.** But the highest incident of alcoholism occurs among offspring of parents who are either non-drinkers or alcoholics. Perhaps the "extremism" of the parents' attitudes is an important factor.

18. **The best cure for a hangover is . . .** Everybody has a favorite, but they all have one thing in common--they don't work! What works? Preventive medicine. If you don't drink too much, you won't get a hangover.

19. **Alcohol warms the body.** Alcohol makes the drinker feel warmer because it causes blood to rise to the skin's surface. However, when this happens, the body temperature is actually lowered because the surface heat is lost.

20. **Alcohol cures colds.** Although some symptoms of the cold might be temporarily relieved, alcohol does not cure colds.

21. **Mixing drinks causes greater intoxication.** Only the consumption of ethyl alcohol, the ingredient common to all alcoholic beverages, causes intoxication, not the mixing of drinks. A person may tend to consume more when there is a variety of drinks, but it is still only the total amount of ethyl alcohol that counts.

22. **Alcohol is a stimulant.** Alcohol is not a stimulant. Although in small quantities, it may be initially stimulating or cause uninhibited behavior, it is primarily a depressant. The first area of the brain alcohol affects is the area which regulates inhibitions, judgment, and self-control. It is the lack of such restraints that causes the apparently "stimulated" or uninhibited behavior and people may do things they might not otherwise do.

23. **People are friendlier when they're drunk.** While some people may be more friendly while drunk, some are more aggressive and hostile, likely to engage in criminal activity, prone to be more homicidal, and to act on suicidal tendencies. Half of all murders and one-third of all suicides are alcohol-related.

24. **Alcohol is a medicine.** This is a wives tale, though it is true that alcohol **was** called the *miracle of life* when the distillation process was discovered around the fourteenth or fifteenth century. These claims never held up, however, and there are currently very limited medical uses for this drug.

25. **Black coffee and a cold shower will sober you up.** Alleged methods for sobering up range from hot coffee to cold showers, from fresh air to food. The only effect these treatments can have is to produce a wide-awake drunk. An awakened drunk, feeling sobered up, may attempt to perform tasks such as driving, of which he/she is no more capable than the sleepy drunk is. Time is the only method of sobering up. There is no way to increase the oxidation rate--the rate at which the body naturally eliminates alcohol.

HOW DRUNK DRIVERS ARE HANDLED IN OTHER COUNTRIES

In 1983, here was how drunk drivers were treated worldwide.

AUSTRALIA

The names of the drivers are sent to the local newspapers and are printed under the heading, "***He's Drunk and in Jail***".

MALAYA

The driver is jailed, and if he's married, his wife is jailed, too

SOUTH AFRICA

A 10-year prison sentence and the equivalent of a \$10,000 fine, or both.

TURKEY

Drunk drivers are taken 20 miles from town by the police and forced to walk back, under escort.

NORWAY

Three weeks in jail at hard labor, one year loss of license. Second offense within 5 years - license revoked for life.

FINLAND AND SWEDEN

Automatic jail for one year at hard labor.

COSTA RICA

Police remove plates from car.

RUSSIA

Revoked for life.

ENGLAND

One year suspension and \$250.00 fine and jail for one year.

FRANCE

Three year loss of license, one year in jail and \$1,000 fine.

POLAND

Jail and fine and forced to attend political lectures.

BULGARIA

A second conviction results in execution.

EL SALVADOR

Your first offense is your last. Execution by firing squad.

The Manchester Union Leader, February 19, 1983

APPENDICES

- A. Glossary of Legal Terms**
- B. Arranging Courthouse Tours or Classroom Visits by a Judge**
- C. Caseload Statistics**
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- E. Student Activities**
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 - Section II -- Law and Responsibility
 - Section III -- The Need for Laws
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 - Section VI -- Courtroom Procedures - **Role Play and Mock Trials**
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Glossary of Legal Terms

Dear Citizen,

Hopefully, this glossary of legal terms will serve to simplify and demystify the workings of the court system.

This glossary is not meant to be all inclusive, but is an attempt to define in understandable lay person terms, some of the more common legal terminology.

Respectfully,

THE CIRCUIT JUDGES OF LAKE COUNTY

A

Acquit - to find a defendant not guilty in a criminal trial.

Affidavit - a written statement of fact, signed and sworn to before a person having authority to administer an oath.

Affirm - the declaration of an Appellate Court that the judgment of a lower court is correct and should stand.

Allegation - the assertion, declaration, or statement of a party to a cause made to the court in a pleading, stating what that party expects to prove.

Answer - a written statement by the defendant in a case, wherein the plaintiffs' claims are admitted or denied. a written statement by the defendant in a case, wherein the plaintiffs' claims are admitted or denied.

Appeal - process by which a case is brought from one court to a higher court for review.

Appearance - the formal proceeding by which a defendant submits to the jurisdiction of the court.

Appellate Court - a court that reviews matters brought before it on appeal from lower courts, and having the authority to affirm or reverse lower court decisions.

Arraignment - in criminal cases, a court hearing where the defendant is advised of the charges and is asked to plead guilty or not guilty.

Associate Judge - elected on a merit basis by the Circuit Judges for a four-year term. They may hear all cases except felonies, unless certified by the Illinois Supreme Court. All judges must be licensed attorneys and are considered officials of this state.

B

Bail - an amount of money determined by the judge and posted with the court as security to ensure the defendants appearance in court at a specific time.

Bond - 1) A written and sealed obligation, esp. one requiring payment of a stipulated amount of money on or before a given day. 2) A sum of money paid as bail or surety.

Burden of Proof - obligation of a party to prove facts at issue in the trial of a case. In criminal cases, the state has the burden of proof.

C

Cause - a suit, litigation or action civil or criminal.

Challenge for Cause - excusing a juror from a trial for a stated, specific reason, such as the juror knows the parties or witnesses in a case. Each side has an unlimited number of challenges for cause.

Chambers - a judge's private office.

Charge - formal accusation against an individual suspected of having committed a criminal offense. It is not evidence.

Chief Judge - Presiding or Administrative Judge of the Circuit Court.

Circuit Clerk - this elected official is responsible for maintaining the court records, issuing summonses and subpoenas, collecting fines, and carrying out other business activities which support the Circuit Court.

Circuit Judge - a member of the judiciary who is elected to a six-year term of office. He or she must be a licensed attorney. Every six years Circuit Judges must run for retention on a circuit-wide basis. They may hear all types of cases with statewide Jurisdiction.

Civil Case - when one person, group of persons, or corporation sues another for personal injury, damages to property, or failure to complete a contract.

Common Law - the system of laws originally developed in England, which are based upon court decisions and customs and usage, rather than on a body of written laws or statutes.

Complaint (Civil) - initial document filed by the plaintiff in a civil case stating the claims against the defendant.

Complaint (Criminal) - the formal accusation charging that a person has committed an offense. It is not evidence.

Continuance - adjournment of the proceedings in a case from one day or term to another.

Counterclaim - claim presented by a defendant against the plaintiff following the claim of the plaintiff.

Court Administrator – the manager of the administrative, non-judicial affairs of a court, such as budgets, personnel, and court schedules. Court Administrator – the manager of the administrative, non-judicial affairs of a court, such as budgets, personnel, and court schedules.

Court Officer - a deputy of the Lake County Sheriff assigned to a courtroom to preserve order as well as provide security for those in attendance.

Court Reporter - the reporter records and transcribes a verbatim record, that is, a word by word record of all testimony and all other statements made during court proceedings.

Courtroom Clerk - a member of the Circuit Clerks staff who keeps the files for the court and maintains the judge's trial and motion schedules.

Criminal Case - this is an action brought in the name of the State of Illinois, contending that a crime has been committed.

Cross-Examination - questioning of a witness during a trial, or during the taking of a deposition, by the party opposed to the one who produced the witness.

D

Damages - compensation recovered in the courts by a person who has suffered loss, detriment, and/or injury to his person, property, or rights through the unlawful act or negligence of another.

De Novo - (Latin for "Anew.") A trial de novo is a completely new trial held as if the original trial had never taken place.

Defendant - in a criminal case this is the person charged with committing a crime. In a civil case it is the person(s) or corporation from which the plaintiff wants to collect damages.

Deposition - testimony taken under oath and recorded in an authorized place outside the courtroom.

Direct Examination - questioning of a witness in a trial, or at the taking of a deposition, by the party for whom the witness is testifying.

Discovery - the pretrial proceedings where a party to an action may be informed about (or "discover") the facts known by other parties or witnesses.

Due Process - the constitutional guarantee that an accused person receives a fair and impartial trial.

E

Evidence - any form of proof presented by a party for the purpose of supporting its arguments before the court.

Exhibit - the paper, document or other physical object received by the court as evidence during a trial.

F

G

Grand Jury - a group of citizens sworn to inquire into crime and bring accusations (indictments) against suspected criminals.

H

Habeas Corpus - (Latin for "You have the body.") A writ of habeas corpus requires a person to be brought before a judge. It is usually used to direct an official to produce a prisoner so that the court may determine if such a person has been denied his liberty without due process.

Hearsay - evidence based on what a witness has heard someone else say rather than what the witness has personally experienced.

Hung Jury - a jury that cannot agree on a verdict.

I

Impeachment of Witness - an attack on the credibility of a witness.

Inadmissible - that which, under the established rules of evidence, cannot be admitted or received in court.

Indictment - written accusation of a grand jury, charging that a person or business committed a crime.

Indigent - meeting certain standards of poverty, qualifying a criminal defendant to a public defender.

Information - an accusation of some criminal offense, in the nature of an indictment, which is presented by a State's Attorney instead of a Grand Jury.

J

Judgment - a final determination by a court of the rights of the parties in an action.

K

L

Liable - legally obligated to answer, as for one's actions, to an authority that may impose a penalty for failure; responsible to do something

M

Mandamus - (Latin for "we enjoin") a writ issued by a superior court commanding the performance of a specified official act or duty.

Mitigating Circumstances - those which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the penalties imposed.

Mistrial - erroneous or invalid trial. Usually declared because of prejudicial error in the proceedings. A hung jury, or when the proceedings must be interrupted.

Motions - oral or written requests made by a party to an action and brought before a judge prior to, during, or after a trial.

N

Negligence - absence of ordinary care.

O

Objection - statement by an attorney in opposition to testimony, or the attempted admission of evidence, and opposing its consideration as evidence.

Overruled - 1) The court's denial of any motion or objection. 2) To overturn or void a decision in a prior case.

P

Parties - persons, corporations, or associations who have brought a lawsuit or who are defendants.

Peremptory Challenge - the right to excuse a juror without specifying a reason. Each side has a limited number of peremptory challenges, after which the attorney is required to furnish a reason.

Perjury - criminal offense of making false statements under oath.

Petit Jury - a group of citizens sworn to hear testimony and determine facts in a trial.

Petitioner -One who presents (files) a petition to a court against a respondent. Similar to a plaintiff in a criminal or civil case.

Plaintiff - in a civil case, the person(s) or corporation asserting a claim for damages allegedly sustained as result of the conduct of the defendant.

Plea - statement made by the defendant as to his/her guilt or innocence to the charge made against him or her.

Plea Bargaining - process by which the accused and the prosecutor negotiate a mutually satisfactory disposition of the case. Such bargains are not binding on the court.

Pleadings - formal written allegations by the parties of their respective claims and defenses for the judgment of the court.

Preponderance of Evidence - a standard of judging evidence by which the judge or the jury determines whether an issue of fact is more probable than not probable.

Probable Cause - reasonable cause; having more evidence for than against; a reasonable belief that a crime has or is being committed is the basis for all-lawful searches and arrests.

Probation - set of conditions and regulations under which a person found guilty of a criminal offense is allowed to remain in the community, generally under the supervision of a probation officer and custody of the court.

Pro Se - (short form of "*in propria persona*" which is Latin for "*in one's own proper person*"). To act as one's own attorney in a civil or criminal matter.

Q

Quid Pro Quo - (Latin for "What? for What?") An equal exchange or substitution.

R

Redirect examination - follows cross-examination and is exercised by the party who first examined the witness.

Remand - a disposition by an appellate court, which sends a case back to the trial court for further proceedings.

Respondent - One who answers in various legal proceedings. Similar to a defendant in a criminal or civil case.

S

Statute - the law as enacted by the legislature.

Statute of Limitations - law that specifies the time within which judicial action must be taken.

Stipulation - voluntary agreement by the attorneys and parties on opposite sides of a case regarding any matter in the trial proceedings, so as to eliminate the need for proof of the matter.

Subpoena - a document issued by the court to compel a witness to appear and give testimony or to procure documentary evidence in a proceeding.

Sustain - when the Court allows an objection to testimony or evidence.

T

Testimony - the sworn evidence presented by witnesses.

Transcript - the official record of proceedings in a trial, prepared by the court reporter.

U

V

Venire - the entire panel of citizens called for Jury service from which a jury will be picked for a particular case.

Venue - a specific geographical area in which a court with jurisdiction may hear a case.

Verdict - formal decision made by a jury, read before the court, and accepted by the judge.

Voir Dire - (French for "*to speak the truth*") The process by which citizens are questioned before being selected to hear evidence as jurors.

W

X

Y

Z

Participants in the trial

Judge - The role of the judge is to insure a fair and orderly trial. He or she sets the trial schedule, rules on questions of law raised by the attorneys, and at the close of the trial, instructs the jury on the law as it applies to that case. Neither by the instructions of law nor by any ruling or remark does the judge mean to indicate any opinion as to the facts or what the verdict should be.

Attorneys - Lawyers are employed by the parties to a case, or appointed by the Court, to advise their clients on the law and all aspects of the trial.

Parties - These are the two, or more, sides to each case. The party beginning the case in a civil action is the plaintiff and in a criminal cases the prosecution. In both types of cases the opponent,

against whom the case is brought, is called the defendant. There can be more than one defendant in a case.

Witnesses - These are the experts or other people who have knowledge of the matters being discussed and are called by each side and questioned by the attorneys in order to bring out the evidence.

Jurors - Jurors listen to all the evidence and arguments presented in order to reach a verdict. They are, in effect, the judges of all the disputed issues of fact.

Court Reporter - The court reporter makes a word-for-word record of the proceedings in a trial. If a question should arise as to what was said, or if the case is appealed, a verbatim record, called the transcript, is available.

There are other people present in the courtroom who provide essential services, but are not active participants.

Circuit Clerk - This elected official is responsible for maintaining the court records, issuing summons and subpoenas, the collection of fines and other business activities. The courtroom clerk. Who is appointed as the representative of the Circuit Clerk, normally administers the oath to jurors and witnesses and records the proceeding of each trial.

Sheriff - As an elected official, the Sheriff is the County's chief law enforcement officer. The Sheriff serves the summonses and is responsible for providing court security.

Court Administrator - This appointed official and his staff help the Court by performing non-judicial administrative tasks.

Judicial Speakers Bureau

Presented by the Lake County Circuit Court



About Lake County Circuit Court

Lake County, the larger of the two counties in the Nineteenth Judicial Circuit has eleven Circuit Judges and twenty-one Associate Judges. Over 250,000 new cases are filed annually. Statewide, Lake County is one of the most progressive counties in the administration of justice and is a leader in speedy disposition of cases filed in the courts.

About the Speakers Bureau

Because our justice system can sometimes appear to be complex, the Lake County Circuit Court offers presentations designed to explain, in everyday language, just how your judicial system works.

Presentations on a number of topics are available to schools, civil and business groups in Lake County.

Suggested Topics

Topics are available to fit the interests of any organization. Examples include:

- *Domestic Violence: The Judicial Response*
- *Gangs and Juvenile Crime*
- *Sentencing Criminal Offenders*
- *Drugs and Alcohol: A Judicial Perspective*
- *Jury Service and You*
- *Traffic Court / DUI Court*
- *Divorce: Laws and Lessons*
- *Overview of the Civil Court System*
- *How the Criminal Justice System Works*
- *Seniors and the Law*
- *Special Programs for Schools*

If there is a specific law related subject your group would like to explore that is not listed here, feel free to request it. We will make every effort to meet your group's request.

Presentations can be adapted to run anywhere from 15 minutes to one hour, depending on the needs of a particular group.

Judges regularly assist Lake County teachers in the class room by judging mock trials, addressing career programs, assisting with oratorical contests, advising students and presenting "real life" trial examples as learning tools.

Law Day Activities

Each year on Law Day, the Judges invite students from every school in Lake County to participate in one of our many Law Day activities. This event provides opportunities for students of all ages to gain insight into their court system.

The Law Day programs may include: a coloring contest for students in grades kindergarten through 3; a poster contest illustrating the Law Day theme for students in grades 4 through 6; an

essay contest for 7th and 8th grade students; an oratorical competition for high school students; and a photo contest for college and high school students. In addition, All Lake County high schools are given the opportunity to bring students to the courthouse during Law Day week to witness actual civil and criminal cases in progress; participate as witnesses or jurors in a mock trial; attend a sentencing of an individual who has been convicted, for example, of a reckless homicide or DUI; visit the Criminal Investigations Division of the Sheriff's Department; listen to a presentation given by the Crime Lab; and take a tour of the jail facilities in Lake County.

Arranging Events

To arrange for a speaker, please contact Diane Flory at (847) 377-3818

We request 30 days advance notice in order to arrange for a speaker.

The Lake County Judicial Speakers Bureau was established in 1990 to increase the public's awareness and promote the understanding of the operations of your court system.

Appendix C

STUDENT ACTIVITIES

INTRODUCTION

Rules are the laws of childhood. Learning to understand the need for rules and be willing to adjust their actions to conform to rules helps students learn to deal successfully with laws and those in authority. The following materials offer background information and activity pages that emphasize what rules are, who makes them, and why they are important.

TABLE OF CONTENTS

Section	Section Title and Type of Activity
Section I	Law - Read and Pick the Correct Answer
Section II	Law and Responsibility - Read and Pick Correct Actions
Section III	The Need for Laws - Write a Compact
Section IV	Freedom and Justice - Aesop's Fables
Section V	Laws affect Everyone - Read and discuss
Section VI	Courtroom Procedures - Role Play and Mock Trials

Section I - LAW

CUSTOM OR LAW?

DIRECTIONS: Listed below are some common rules of behavior. Read each one and decide whether it is a **custom** or a **law**. Circle the correct response.

Custom	Law	Sample A: Married men and women wear a ring on the next to last finger of the left hand.
Custom	Law	Sample B: Stop when the traffic light is red.
Custom	Law	1. Drive on the right-hand side of the street.
Custom	Law	2. Put your napkin in your lap when you are eating.
Custom	Law	3. Do not throw paper along highways or streets.
Custom	Law	4. Allow ladies to enter a doorway first.
Custom	Law	5. Hang your stockings up on Christmas Eve.
Custom	Law	6. Obey the speed limits.
Custom	Law	7. When you eat in a restaurant, you should leave a tip for the waiter or waitress who served your meal.
Custom	Law	8. Do not take anything from a store without paying for it.
Custom	Law	9. Children should attend school regularly.
Custom	Law	10. Everyone should stand whenever the "Star-Spangled Banner" is played.

On the lines below, give two examples of a custom and two examples of a law.

Custom:
Custom:
Law:
Law:

Teacher's Guide for Law

OBJECTIVE

To be able to distinguish between a custom and a law.

PROCEDURE

Give each student a copy of "Custom or Law?" Discuss the differences between customs and laws (see below). Answer the two sample items to make sure the students understand the differences between customs and laws. Allow sufficient time to complete the activity.

When students have completed their choices, tally their responses for each item as shown below:

	Custom	Law
Question 1.	23	6
Question 2.	16	13

Discuss each question to determine reasons for their choices and also to determine item accuracy.

(Items 1,3,6,8,9 are laws; items 2,4,5,7,10 are customs.)

FOR THE TEACHER:

Customs are rules of conduct based on habit or tradition. For example, manners, holiday festivities, and etiquette are all customs.

Laws are rules of conduct set forth and enforced by a governing authority. For example, traffic laws, property laws, and laws about shoplifting are all laws.

SECTION II - LAW AND RESPONSIBILITY

Everyone has responsibilities. Laws can help us understand our responsibilities and can also make sure we carry out our responsibilities. Below are some stories about responsibilities. If you feel it is a legal responsibility, circle YES. If you think it is not a legal responsibility, circle NO.

YES	NO	1. Your dog keeps knocking over your neighbor's garbage cans. Some of your neighbors complain. Do you have a responsibility to keep your dog on a leash or confined behind a fence?
YES	NO	2. You think that there are too many rules at the skating rink. You don't want to follow them anymore. Do you have a responsibility to follow the skating rink rules?
YES	NO	3. You and a friend are picking apples from your tree using a ladder. Just for fun, your friend pulls the ladder out from under you, causing you to fall. You are taken to the doctor, and your medical bills are \$450. Does your friend have a responsibility to pay your medical bills?
YES	NO	4. Your next-door neighbor throws a wild party that gets very loud and lasts a long time. Does your neighbor have a responsibility to keep the noise down?
YES	NO	5. Another man gets mad at your father. He calls up your father's boss and tells him some things about your father that are not true. Because they were such bad things, your father is fired. Does the man who said these things have any responsibility to your father for the damage he has caused?
YES	NO	6. In Wednesday's edition of your newspaper there is an advertisement for a black and white portable television for \$19.95. You have saved your money and run to the store to buy it. But when you get there, the clerk tells you that the newspaper made a mistake and that the price should read \$119.95. Does the store have a responsibility to sell the television to you for \$19.95?

Teacher's Guide for Law and Responsibility

OBJECTIVE

To understand that laws help us understand our responsibilities and that laws can make sure we carry out our responsibilities.

PROCEDURE

Give each student a copy of the following page, "Law and Responsibility. Read the introductory material and the directions together.

Tally responses.

Discuss why we have laws for each of these situations. Are they needed? Are there any laws you did not know about? Are you responsible for following a law even if you do not know about it? Do laws tell us what **all** our responsibilities are?

ANSWER KEY:

1. Probably yes. Some communities have leash laws and some do not. However, you may still be held responsible for damages caused by your pet.
2. Yes. The law says you have a responsibility to obey any reasonable rules established by a storeowner or business. Some rules concern fire and safety; others concern health and sanitation.
3. Yes. Even though your friend did not intend to hurt you, according to Illinois law, he or his parents are responsible for paying your medical bills.
4. Yes. Almost every town has some kind of ordinance against disturbing the peace or creating a disturbance.
5. Yes. The Constitution gives us the right to free speech. However, the law also makes us responsible for what we say. It is against the law to say untrue things about someone on purpose. Your father can take the man to court.
6. No. Since the newspaper made a mistake in printing price, the store does not have to sell it to you for \$19.95.

SECTION III - THE NEED FOR LAWS

MY COMPACT

Pretend that you and the members of your class are not happy with things in this country. So you decide to move to a different place in the world. You search for many days. Finally, you find a remote place where nobody else lives. Everyone agrees that they want to live here to begin a new way of life.

Before you land, someone suggests that you will need guidelines, or rules, for living in this new place.

A compact is defined as an agreement or covenant. This is the agreement that is written.

We the People of....

Signed:

Circle the words that tell about your agreement:

GOOD	NECESSARY	IMPORTANT	UNIMPORTANT
BOSSY	STUPID	STRONG	WEAK
WISE	THOUGHTFUL	MEANINGFUL	POPULAR
USELESS	USEFUL	BAD	HELPFUL
FAIR	JUST	EASY TO	USES BIG
	ENFORCE	WORDS	

Teacher's Guide for the Need for Laws

OBJECTIVE

To understand why members of a community need laws to govern them; and to understand what makes a good law.

PROCEDURE

Give each student a copy of "My Compact," found on the page above. Read the introductory material together and discuss what makes a good law, why a group of people needs laws, and what might be the consequences of a group of people attempting to live together without law.

Allow sufficient time for the students to write their own agreement or compact. Some students may want to read their compacts aloud; let them tell something about where their new community is located, also.

After discussing the students' compacts, let them circle the words at the bottom of the page that tell about their agreement. Have them put a star (*) beside each characteristic that describes a good law. (i.e., a good law is not useless, nor does it have to use big words. But it should be helpful and just.)

SECTION IV - FREEDOM AND JUSTICE

AESOP'S FABLES

The Wolf and the Dog

A wolf that was almost skin and bone -- because the dogs of the neighborhood guarded the sheep so well -- met a dog one night. The dog was as strong as he was fat. The wolf told the dog how good looking he was. The dog said, "It would be easy for you to get as fat as I am if you liked." "What would I have to do?" said the wolf. The dog said, "Almost nothing." They walked off together, but as they went along, the wolf noticed a bare spot on the dog's neck. "What is that mark?" said the wolf. "Oh, it is nothing," said the dog. "The collar that I wear when I'm tied up makes it." "Tied up!" cried the wolf, "tied up?" "Then you can't always run where you please?" "Well, not always," said the dog. "But what does that matter?" "It matters a lot to me," said the wolf, and turning away he ran back into the forest.

Moral: *Better to starve and be free than to be fat and a slave.*

The Clown and the Farmer

One day a festival was held, and there was a clown there who made everyone laugh by squeaking like a pig. It sounded so real that they asked him to do it again and again. One man, though, did not think the clown did it that well, so he told the clown he would come back tomorrow and imitate the pig better than the clown had. Everyone agreed, and the next day, the two men took their places on the stage. The clown went first, and the crowd roared with laughter. Then came the farmer, who had hidden a real pig under his coat. He pinched the pig's ear and made it squeak loudly. "Not half as good!" cried the crowd, and some people began to boo.

"Fine judges you are!" cried the farmer, running to the front of the stage and pulling the pig from under his coat to show to the crowd.

Moral: *A mob cannot tell the truth from falsehood.*

The Dishonest Dog

A businessman had a dog in which he placed great trust. He fed the dog from his own table and gave him everything he needed. This kindness was wasted, though, for no sooner did the man turn his back than the dog tore open his safe and took the man's money, which was intended for his children. Luckily, the man returned in time to catch the dog in the middle of the robbery. He told the dog he would punish him.

"Sir," said the dog, "remember I am one of your family. I have always had a good reputation until now. Don't punish me for this first time; give me another chance. Instead, why don't you punish the wolves that steal from people every day?"

"No," said the Master. "I would rather not punish a thousand wolves that steal because they are starving or because they have been poorly trained. But I shall punish you who are dishonest and ungrateful!"

So the dog was tied up and carried out of the house and condemned to be drowned.

Moral: *In the country of traitors, a thief would be chosen king because of his honesty.*

The Farmer and the Stork

A farmer placed nets over his newly planted fields and caught some birds that had come to steal his seed. With them, was a stork. The stork fractured his leg when he was caught, and so he begged the farmer to spare his life. "Please, spare me sir," the stork said, "and let me go free this time. You should feel sorry for me because my leg is broken. Besides, I am a stork; I am much better than the other birds. I don't even look like them; I am much more handsome." The farmer laughed and said, "That may be true, but I know this: I caught you when you were with a bunch of robbers, and so you must die with them too."

Moral: *Birds of a feather flock together.*

The Boy Who Cried Wolf

A shepherd boy, who watched a flock of sheep near a village, alarmed the people three or four times when he screamed, "Wolf! Wolf!" Everyone ran to help him, but there was no wolf in sight, and he laughed at them for being so stupid. However, one day the wolf really did come. The shepherd boy, who was now really scared, screamed at the top of his lungs, "Please, come and help me. The wolf is killing the sheep." But no one paid attention to him this time or bothered to come and help him. Now the wolf had no one to fear and so he killed all the sheep.

Moral: *No one believes a liar, even when he tells the truth.*

Teacher's Guide for Freedom and Justice

OBJECTIVE

To be able to understand the meaning of the words freedom and justice and to be able to understand the role laws play in establishing freedom and justice.

PROCEDURE

Give each student a copy of the five Aesop's Fables printed on the following pages or read them aloud to the class.

Discuss each fable in the following manner.

The Wolf and the Dog:

1. The wolf felt that he would not be free if he went there to live with the dog. Why?
2. The dog, although he couldn't do everything he wanted to do when he wanted to do it, was healthy, well-fed, and had a warm place to sleep. He felt that he was more free than the wolf. Why?
3. Who made the better choice?
4. Do you agree with the wolf's definition of freedom? Are you free only if you are able to do everything you want whenever you want to do it?
5. What does the collar symbolize? In what ways could we be said to wear a collar like the dog? Are laws the collar we wear? Explain.
6. Do you agree or disagree with the statement that it is necessary to give up some of your freedom in order to live in harmony with others? Why?
7. How do laws help to protect us and preserve our freedom? Can laws also destroy our freedom? Explain.

SECTION V - LAWS AFFECT EVERYONE

The following cases are from the Officer Friendly Series, published by the Sears Roebuck Foundation, have been reprinted here with permission. Click on the link below to go to the case example.

Arrest Record	Assault and Battery	Breaking and Entering
Petty Larceny	Protection	A Runaway
Stolen Bicycle	Truancy	Vandalism

Petty Larceny

Paul was 9 years old and no one really paid much attention to where he went or what he did. It wasn't that his parents didn't love him, but Daddy worked long hours and there were three little ones at home that seemed to take up most of Mother's time. He was the oldest, and could do more for himself. Sometimes Paul wished that he were very young again, so that his mother would pay more attention to him. She always seemed too tired or busy when he asked for something.

It was a hot day and Paul felt reckless as he walked home from school. It hadn't been such a good day, and on top of everything else, he hadn't done well on his spelling test. While strolling by the corner grocery store, he had an idea. The soft drink cooler was right there in the front of the store. If he had a carton or two of those drinks, he could sell them and bring the bottles back for deposit money, too. This would make lots of money. Paul walked slowly over to the door. There was only one man in the store, and he was going to the supply room in the back.

Paul was just putting the last bottle into a carton when the store manager returned, and shouted, "Stop!" This startled Paul so much that he knocked over the cartons, which in turn broke many other jars of food on a shelf, next to the cooler.

The storeowner called the police. The officer who answered the call talked with Paul. In his investigation, he found that Paul was very sorry he had tried to steal, and knew he had done wrong.

Discussion

1. What was Paul's problem? (Or, what do you think made Paul act in the way he did?)
2. How did Paul feel?
3. What are some possible reasons Paul felt as he did?
4. Were there ever times when you kept something to your-self and then discovered that it would have been better if you had shared the problem with your parents or someone else who would help?
5. Can you remember something that happened when you were younger that can help you understand how Paul felt?
6. How do you think Paul should be punished?

Final Disposition

The officer had a long talk with Paul's mother. Then he had a conference with Paul and his mother. The officer and his mother agreed that, in the future, she must always know where her son was going and what he was going to do. They also agreed that it was not good to allow children to wander around by themselves. Paul's attitude was good. He knew that he had done wrong and he was very sorry. The officer said that he would not take Paul into custody, and the storekeeper suggested that he could work in the store to pay for the damage.

1. What do you think of this settlement? Was it fair?
2. Should this case go before a judge?
3. How do you think the outcome will affect Paul?
4. If you were the officer what action would you have taken?

A Runaway

Larry, a teenage boy in Tampa, became "fed-up" with his home situation. He felt that his parents were unfair to him and imposing too many rules and regulations. Why should he have to be at home at ten o'clock on weekends? Why couldn't he go out when he wished on school nights? Why must he have a certain time after dinner to do any homework? All this was just foolish. And now, he was restricted to the house, right after school every day, for two weeks, just because he skipped school one day and went swimming at the rock pit. He decided that he'd show them! He'd make them sorry they were so mean and unjust to him. He'd run away!

The more he thought about this, the better it sounded. Larry knew his mother and father loved him. He knew that this was one way he could hurt them. He didn't really mean to stay away forever, in fact, he didn't even think that far ahead. This just seemed a good way to get back at them to show them that they couldn't tell him what to do!

Just before dinner one evening, while his mother was preparing dinner, Larry sneaked into his parent's room. He took thirty dollars, the grocery money, from his mother's purse, and all the money from his father's wallet. This would be enough for a plane trip somewhere! Next, he returned to his own room and began getting his clothes ready.

That night, after his parents had gone to bed, he put his clothes in a suitcase, and quietly sneaked out of the house. He walked several blocks away to catch a bus to the airport. Once there, he was so excited by the bright lights and whirl of activity in the terminal buildings, things just seemed to happen by themselves. Travel posters seemed to whirl before his eyes and without his even willing them to move, his feet took him to a ticket window . . . "Miami", Larry heard himself saying . . . "One way to Miami."

With the ticket in his hand, he suddenly felt very important. He had done it! No one had seemed to think he was too young to be out so late. He had a while to wait, but by morning he would be airborne. He was on his way.

The next morning at seven when his mother went to call him for breakfast, she found that his bed had not been used. She ran quickly for her husband. They were bewildered and confused. Larry never made his own bed! They called friends and as the minutes passed they became frantic. Both parents checked their wallets and found money missing. The police -- surely the police could help them! The little while it took for the patrol car to arrive seemed like hours.

The police wrote up a description of the young man and immediately contacted train, bus, and air terminals to see if anyone fitting the description had purchased a ticket. Fortunately the shifts had not changed and the ticket agent at the airport remembered the incident. It was unusual for a young boy to be traveling alone at that time of night and the agent remembered wondering about it at the time. The agent was able to identify the picture and give a description of what he was wearing. A call was immediately made to Miami and an officer was waiting at the gate at Miami International Airport. As Larry got off the plane, he was met by a Dade County officer and taken to the Public Safety Department.

Discussion

1. What are some of the types of trouble and problems that runaways have?
2. What do you think Larry would have done if the officers had not been at the airport to meet him?
3. How do you suppose Larry felt as the officers met him?
4. In your opinion, what did Larry do that was wrong?
5. What do you think made Larry act as he did?
6. If you were Larry's parents, what do you think should happen to him?
7. Are there instances when parents must stand firm and make children obey? Can you name some of these instances?
8. When Larry decided to run away, which people was he evidently thinking about?

Actual Disposition

At the Public Safety Department, he was questioned and his parents were called. They arrived in Miami later that day and he was released into their custody. By this time, Larry had realized that he was in a strange city, with no one to turn to, and running away didn't look so good after all.

1. Why did the officers make this particular decision?
2. How do you think Larry felt about the decision?
3. Do you think this was the best possible decision? Why?

Truancy

One morning, during school hours, an officer was on patrol in his car. He drove through the community carefully checking all the spots that he knew needed his personal attention. He made sure that he checked the bakery today, because it was closed and the owner was a bit forgetful. Many times he left the shop without locking the door. No, it was locked today, so the officer went on his way. He parked by the shopping center for about five minutes to finish writing a report on an auto accident that he had investigated that morning. While he was busy with this report, he was listening to the radio. Many coded messages came through the loud speaker and he must be ready to move at any moment. Since none of the calls, at this time, were directed to him, he continued to work on his report. He was just about through with this task, when he suddenly became aware of some suspicious movement in the parking lot of the nearby shopping center. He spotted two young boys acting in a strange manner. Almost unconsciously, he glanced at his watch. He noted immediately that they were school-age children and unless they had a good reason, they were truant from school. When he questioned these two young men, the officer found them to be ten and eleven years of age, respectively, and, in fact, they were truant from school. Upon being apprehended, the

boys began blaming each other. As they argued with one another, the fact came out that their intentions had been to come to the shopping center to take some model airplanes.

Discussion

1. If you were the officer, what would you do now?
2. What do you think might have happened if the officer hadn't seen the boys and stopped them?
3. Do you suppose the boys thought of the possible consequences of their actions? What could some of the consequences be?
4. Were their plans wrong? Why?

Actual Disposition

Upon a routine check it was found that the boys had no previous records. They were returned to school and turned over to the school authorities. As a matter of routine, the parents of these boys were also contacted and were surprised to hear of this truancy. They would see that the boys were punished. Being satisfied with the remorse of the boys, the action taken by the parents, and the interest of the boys' teachers, the officer was able to close the case. On checking the records of these students' two years later, it was found that they had no further trouble with the police or school officials.

1. Why do you think the officer let the boys go?
2. What interest could the teachers have shown?
3. Were the boys helped in any way by this experience? How?
4. How do you suppose the Police helped the boys work out their problems?

Arrest Record

This is a true story. It may seem unjust to you as it did to me at first, but now I feel no bitterness. I have come to realize that there could have been no other decision.

When I was growing up, I had a good home. My dad worked hard and although we didn't have a lot of money, we were always able to pay our bills. As I grew older though, there never seemed to be quite enough money to get all the things I wanted. The girls at my high school always seemed to have more clothes and more spending money than I. My grades were better than theirs were, but that didn't seem to be too important at the time. I'd walk through the stores in the shopping center just looking at all the new and pretty things. The more I looked, the more I felt that the world just wasn't fair. Why couldn't I have the things I wanted so badly? As I look back now, I don't remember even considering getting some sort of job to earn what I wanted. Pretty soon all I could think about where the things I didn't have. Not one time did I consider what I had to be thankful for -- a secure home, a mother and father who loved me and who were respected in the community.

One day, coming home from school, I stopped by the shopping center. It drew me like a magnet. For the first time the thought came to me -- that store has so much, they wouldn't miss one coat -- and no one is watching. How easy it would be just to slip it under my own raincoat. I was frightened after I had hidden the coat but I had gone this far undetected, so I began to walk toward the door and out. My knees were shaking, in fact I was trembling all over, but I couldn't turn back now.

I had no sooner reached the corner, than I heard a voice behind me say, "Would you come with me, please?" I looked around, and an attractive woman was standing there, but all I really saw was the badge she was holding in her hand.

My first impulse was to run, and run I did, but the policewoman had had more experience apprehending shoplifters than I had had being one. I was escorted to the security office in the shopping center. They talked to me and told me about how much merchandise was stolen each year. I was taken to the Police Department and booked. My picture and fingerprints were taken, then I was allowed to call my parents. It was hard for me to look at them. I was released into the custody of my parents and they took me home after they posted a \$250.00 bond. I would have to appear before a judge at a later date. Here I am now, telling you this story, five years later. I finished high school, and worked part time to pay for my college education. I submitted an application for a job to the police department and had an interview. Among other information was the record of my arrest for shoplifting five years before, when I was eighteen years old. I can't say that I had forgotten this incident, but felt that it was far behind me. After all, hadn't I proved myself?

Discussion

Let's review the facts. Here is a young woman with a record of arrest when she was 18, and with no subsequent arrests or violations. She is asking for a job as a policewoman.

1. Do you think this woman should be hired? Why or why not?
2. How do you think she feels about her arrest record?
3. Do you think this record would affect the job she would do as an officer?
4. If she were not hired, what advice do you think she would give to you?
5. Have you ever had feelings that would help you understand what made this young girl act as she did?

Final Disposition

The final decision was that the girl was not able to become a policewoman. The policy of the Public Safety Department states that NO ONE with a record of arrest after the age of 17 can become an officer. The five years, hard work, and regret that she felt could not outweigh the arrest record. The young woman herself was surprised. Even though she had not been in trouble since, she could not gain the employment she wished.

Vandalism

At last school was out! My friend and I were so glad to see summer come. We both had just turned 12 years old and planned to play together each day of vacation. On the very first day we met early and went out to look for something to do. My friend brought along his B-B gun, just in case we found somewhere to target-practice. After a stop for some gum and candy, we headed for the park. We'd heard there would be some boys there playing softball and we wanted to watch. At the park, the game had already started, so we stayed there for awhile. Just watching them play got a little boring, so we decided to look for a place to try out the B-B gun. My friend remembered the vacant lot next to Mrs. Ellis' house. If she wasn't home, we could shoot at tin cans there. Off we went. We sneaked into the lot from behind her house. I found some old cans and set them on the wall at the end of the lot, then moved quickly out of range. My friend raised the B-B gun and shot one can, two cans, off the wall. Soon we heard her shouting, "You two boys get out of my lot or I'll call the police!"

What a grouch she was! We weren't hurting anything. She could have let us stay there. We weren't even shooting toward her house. I picked up a rock and tossed it against her old house. My friend had an even better way of getting even. He lifted the gun. Crash! A window shattered. A second shot, a second window. That would show her! Then we raced away, stopping only to catch our breath and grin at each other. At last we slowed down to walk and continued on our way.

Meanwhile, Mrs. Ellis called the police and reported what we had done. Soon an officer arrived and got a written report and description of us from her. He wasted no time and began patrolling the neighborhood. It was not long before he spotted us. My friend was still carrying the gun. We started to run, but froze when he ordered us to stop. He began questioning us.

Discussion

1. What do you think the officer asked the boys?
2. If you were the boys, what would you tell the officer? Why?
3. In your opinion, what did the boys do that was wrong? Why was it wrong?
4. If you were the boys, how would you feel about Mrs. Ellis?
5. How would you feel about the windows?
6. If you were Mrs. Ellis, how would you feel? Would you want to happen?
7. Do you think Mrs. Ellis was right or wrong? Why?
8. Has something happened to help you understand how Mrs. Ellis might have felt?
9. Which boy do you think was most at fault? What would you do to him? What would you do to the other boy?

Final Disposition

The two boys were taken into custody and sent to Youth Hall to await the court hearing. The boy who had actually done the shooting was sent to the State School of Correction because this was his eighth offense. The other boy was warned by the judge not to repeat his crime, and released to his parents. His parents punished him and he was made to work to pay for part of the damage the two of them had caused.

1. Why did the judge make this decision?
2. Do you think this disposition was a fair one?
3. What might be some of the lasting effects (on each boy) of this solution to the problem?

Stolen Bicycle

Three boys were walking aimlessly along, doing nothing more than waiting for time to pass. They had looked forward to summer for so long. Now that it was here, there was nothing to do. These friends had been together every day for weeks and, although none would admit it, they were getting pretty tired of one another.

They were walking toward a little cluster of stores. This was where almost everyone in the community shopped and where they had wasted many pleasant hours -- too many hours, in fact. They had been asked not to wander about in the stores unless they really wanted to make a purchase.

As they drifted past the parking lot, one nudged the other -- "hey, look at the bicycles! Let's take a ride!" They circled the lot a few times and approached the bike rack. The owners of two of the bicycles walked out just in time to see their bikes being ridden away. They thought they recognized one of the boys who had taken the bicycles, and ran home to tell their parents. The parents called the police and gave them the descriptions and serial numbers of the stolen bicycles. The patrol car for this section received the information by radio and proceeded to scout the area. The bicycles weren't found and the officer made a police report.

The next day, one of the boys recognized his bicycle as being one that someone was riding down the street. He ran into his house and called the police. Again an officer searched the area and this time spotted the bicycle in question. He stopped the rider of the bike, and took him into custody. At the police station, this boy revealed the identity of the other boys involved. The other boys were brought into the station and questioned.

Discussion

1. What did the boys do that was wrong? Why?
2. When the boys decided to take the bicycles, which people were they evidently thinking about?
3. Do you suppose they knew their actions were wrong?
4. What do you think made the boys take the bicycles?
5. What could have prevented this from happening?
6. What were the feelings of the boys whose bicycles were taken?
7. How were the bikes found and identified so easily
8. What do you think should happen to the boys?

Actual Disposition

The boys' parents were called to the police station. After they had been given a date for a hearing in juvenile court, the three boys were released into the custody of their parents. The judge found that these boys had no previous arrest records and placed them on probation. They must now report to the probation officer once a month. The next time they act in a similar manner, they will be sent to Youth Hall to stay from four to six months.

1. Why did the judge make this particular decision?
2. Why did the boys have to have monthly meetings with the probation officer?
3. Do you think this will help them in any way in the future? Why?
4. What situation brought about this case? Why?
5. How can similar cases be avoided?

Breaking and Entering

David and Jim were friends. They went to the same school and often played together in the afternoons. David was in the sixth grade and had moved into the neighborhood the summer before school started. Jim's mother had asked him not to spend so much time with David. Jim was only in the fifth grade and David seemed so much older. But most of all, she thought David's manners were very poor. Unfortunately, though, Jim's mother didn't get home until nearly six each day and even later when traffic was heavy. She had had to go to work since his father had left them, so there was

no one at home when he got out of school. The lady next door was supposed to watch out for him, but she had small children, and didn't seem to notice when Jim didn't come in on time. He'd been late several times; each time a little later than before. After all, he wasn't a baby. David could stay out and Jim decided that he wasn't going to be called a sissy anymore ... Neither by David, nor by anyone else.

One afternoon, coming home from school, kicking rocks and an occasional tin can, David was complaining about his problem. He had cracked his baseball bat the other day, his glove was in pretty bad shape, and he was being punished for skipping school. So he knew he'd better not ask for any money now. The more he thought about it, the sorrier he felt for himself. Soon they were passing the Wilson's home. David had an idea. They knew Mrs. Wilson had taken Joe and his brother to get new sneakers. Joe had told them so at lunch. They knew that Mrs. Wilson kept a jar with change in it on the shelf over the stove. Hadn't they seen Joe get lunch money from that very jar? Mightn't there be other money there, too? Let's go see!

This was going a bit far for Jim, but as soon as he disagreed, David began making fun of him and calling him all sorts of names. Jim couldn't take it. David was his best friend. He couldn't let him down. He knew what his mother would say. He knew that what he was going to do was wrong, but, well, maybe he wouldn't get caught.

David led Jim around the house to the back door. It was a jalousie door and David had no trouble removing several panes. Jim had to admire David. Who else could have opened the door so quickly? Upon seeing the door actually swing open, all of Jim's misgivings came back. One of the hardest things he'd ever done in his young life was to take the first step over that threshold. Once in, he gained courage. David grabbed the money jar, emptied it into his pockets, and then the boys began rummaging through the house. They were so intent on what they were doing neither boy heard the automobile drive up. What was that? A car door slamming? The boys both ran toward the front door. As they reached the door, it opened and in walked Mrs. Wilson.

The police were called. When the officer came, he took the boys to the Public Safety Department. The boys' parents were notified and immediately came to the station. The officer talked to both of the boys' parents and released Jim and David into the custody of their parents. This was not the end. The boys and their parents would be notified to appear before a judge for a hearing.

Discussion

1. How do you think Jim felt?
2. How do you think David felt?
3. Why do you suppose Jim went with David even though he didn't want to?
4. If you were Mr. Wilson, what would you have done?
5. What did the boys do that was wrong?
6. Why were their actions wrong?
7. Can you tell how Jim could have prevented this from happening?
8. What do you think should happen to David? To Jim?
9. Should each boy receive the same punishment? Why?
10. How do you suppose Jim's mother felt?
11. How do you suppose Jim felt toward David now?

Disposition

The boys and their parents met with Judge Harvey in his chambers. He had checked with the Juvenile Court Records and found that Jim had never been in trouble before, but that David had.

Once David had stolen a bicycle and once he had been caught stealing from a store. As a result of these findings, Jim was allowed to go home with his mother, but would meet with a worker from Youth Services each month. David was sent to Youth Hall because of his previous record.

1. Why do you think each boy was treated in a different manner?
2. Why will Jim have monthly meetings with the worker from Youth Services?
3. What lasting effects do you think the decision will have on each boy?

Protection

Sometimes the words, "Give me" can get you into a great deal of trouble. This is the case of a boy named John, age 12. Each day he was driven to school by his mother and let off at the corner. As soon as she drove off, he would turn and walk in the wrong direction, away from school. As it was, John was absent from his classroom for a total of 36 days. This fact prompted action on the part of the visiting teacher. She investigated the home situation and found that John was an only child. When he was younger he had been critically ill and throughout a long convalescence, had been pampered and given his own way. As a result, John had grown into a stubborn self entered boy and had difficulty in getting along with his classmates. His mother was not aware of his school absences. She came home from work shortly after John came home from school. Because of this, he had been able to dispose of the notices of absence that the school had mailed to his home. Action was taken, and he was suspended from school.

Before and after his suspension, he would wait at a busy crossing. As the younger children would pass on their way to school, he would approach them and shout, "Give me your money! Give it to me quickly, or I'll beat you up. Hurry up and give it to me!" After many children had been approached in this way, one finally ran home and told his mother. She immediately called the police and within five minutes an officer was knocking on the door. He questioned the child and was given a good description of John and the exact location where the children had been accosted. The officer was very glad to get such useful information. This would help him do his job and find the boy who yelled, "Give me!" The police officer thanked the mother and child for their cooperation and was back in his patrol car, ready to search the area, when a bulletin was issued for a boy who was missing. After hearing the descriptive message on his radio, the officer thought it sounded very much like the boy for whom he was looking. . . A boy, age 12 had been reported missing by his mother.

The officer circled the block several times and found the boy who fit both descriptions. He stopped and asked the lonesome looking fellow if he could help. Suddenly the youngster shouted, "No! Get out of here! Leave me alone! I haven't done anything!" At the station he continued the belligerent and hostile attitude, saying, "Just go ahead punish me. I'm big enough to take it!"

After the boy had been identified both as "John" and as the boy who had been reported missing, he was taken to Youth hall. His parents were notified and he remained in Youth Hall until his hearing.

At the hearing, it was learned that this was not his first offense. Other records indicated that he never listened or behaved at home or in school. He didn't want anyone, especially adults to tell him what to do. If he couldn't get his way, he would act like a small child, showing anger and destroying property around him.

While at Youth Hall, many tests were given. These tests showed that John had the ability to be a good student, but when schoolwork was involved, he would give up too quickly, or not try at all.

Discussion

1. What are some of the possible reasons why John acted as he did?
2. How do you think the children he threatened felt?
3. What do you think the judge decided?
4. What would you have done if he had demanded money from you?
5. How do you think the boy felt?
6. Does he know right from wrong? (State reasons)
7. Do you think he can learn right from wrong? Why?

Actual Disposition

The Judge felt that this boy had serious problems and should be helped by special people. He was sent to Kendell for special help. It was also decided that if, after his release, he could not behave himself and reappeared in juvenile court, the judge would have no choice but to send him to the State Correction School.

Assault and Battery

The bell rang and school was out for the day. I walked across the field and out the far gate and headed toward home. I wanted to avoid Kathy. She was in the classroom next door and had been bothering me all week long about my new haircut. If she said anything more, I just knew I'd really lose my temper. Mother had cut my bangs too short and I hated them, but that was no excuse for this girl to call me names. I was a block away from school and suddenly there she was! She stepped out from behind a tree, and the names began again. I marched up to her and yelled at her to stop. "What's the matter?" she shouted back. I began swinging wildly and caught her in the side, nearly knocking her off her feet. Then suddenly she was all over me and we were rolling on the ground. I managed to get away and I ran for home.

My father was there when I arrived. "Where have you been? Look at yourself!" he shouted. My dad gets rather excited about fighting, so I told him this girl had waited for me after school beat me up, and tore my dress. My father was quite angered by this, and immediately called the police. This pleased me because it would surely show that girl that she'd better not fool around with me again. The police promised to send an officer right away.

After a few moments, my dad calmed down and started asking about the fight. How had it started? Was anyone else in it? You know the questions. When I explained about the name-calling he seemed to understand. But when I let it slip that I had hit her first, he became a little excited again. He doesn't believe in fighting at all and the thought of girls being involved in a fight was just too much for him.

Discussion

1. What had each girl done that was wrong?
2. What do you think the officer did when he arrived?
3. What do you think he asked the girl?

4. What do you think she told him?
5. Do you think the other girl was questioned? Why or why not?
6. How could the school be involved to help these girls?

Actual Disposition

By the time the officer arrived, the father had surmised that both girls were equally at fault. The parents of the other girl were notified and they came with their daughter to talk with the officer. He gave both girls a stern lecture. The following day he met with the school principal and the two girls and further discussed the situation.

1. What could have been done to prevent this from ever happening?
2. If you were the principal, what would you say to Kathy? To the other girl?

Teacher's Guide for Laws affect Everyone

OBJECTIVE

To understand that laws affect everyone: young, old, rich, poor.

To begin to acquire some basic understandings about the process of justice in the United States.

PROCEDURE

Choose as many of the following situations as you wish. Read each one aloud to the class and discuss. At the end of the facts of each case there are some discussion questions. Next, there is a paragraph telling what actually did happen in the case, with three or four more ideas for discussion.

SECTION VI - COURTROOM PROCEDURES

Pro-Se Courtroom Procedures	Trial Courtroom Procedures
Class Discussion	Steps in a Juror Trial
Roles in Pro-Se Court	Guide to Conducting Mock Trials
Role Play - First Case	Mock Trial - Gold E. Locks v. Three Bears
Role Play - Second Case	Mock Trial - B. B. Wolf v. Three Pigs
	Mock Trial - The Case of Mary's Missing Lunch

PRO-SE COURTROOM PROCEDURES

OBJECTIVE

To give students an opportunity to role-play a case by starting with a minimum of roles: judge, plaintiff, and defendant.

PROCEDURE

Divide the class into groups of three. Give each group a copy of the 3 pages, "Pro-Se Court". Have the group decide on roles: judge, plaintiff, or defendant.

Have the students role-play the situations. The judge may ask questions. The plaintiff speaks first, then the defendant.

(In Pro-Se Courts, rules of evidence are broken down to common sense and procedure is kept to a minimum.)

The judge makes his/her decision. Have the judge explain his/her decision to the class.

Discussion

1. Which is the most difficult role to play? Why?
2. How well did the students play their roles?
3. What were the issues in the cases?
4. Were the decisions fair?

Possible Decision Case #1: From the facts, it appears the Plaintiff had agreed to baby-sit for 50 cents an hour. When he saw an additional child, he did not say he wanted more money. It was, therefore, unfair for the Plaintiff to demand the money after the fact. To give the 25 cents additional fee per hour would be unfair for the Defendant. Judgment for the Defendant.

Possible Decision Case #2: No. The bicycle repair shop cannot take unfair advantage of a customer. The Plaintiff-customer had placed limitation on what the shop could do. The shop cannot do more without consulting the customer. Since it was too late to return the bicycle in the condition

in which it was brought in, the shop must give the bicycle with the new gear to the Plaintiff for \$25.00. Judgment for the Plaintiff.

ROLES IN PRO-SE COURT

In Pro-Se Court, there are three roles: Judge, Plaintiff, and Defendant.

Rules of evidence (what you can say and show) are broken down to common sense.

The plaintiff speaks first, then the defendant.

JUDGE: The judge must be sure both sides have an equal chance to present their cases. The judge must also decide if a law has been broken. If so, he/she must uphold the law.

PLAINTIFF: The plaintiff is the person who requests the court to hear the case. This person has accused another person (the defendant) of doing or not doing something which he thinks is not fair.

DEFENDANT: This person has been accused by the plaintiff. He/She has been summoned (called to court). He/She listens to the charge and then either tries to give reasons for his/her actions or tries to prove that the charge is untrue.

PRO-SE COURT

First Case

Facts:

1. Plaintiff is a babysitter.
2. Defendant is a parent.
3. The Plaintiff agreed to baby-sit for the Defendant's two children for \$1.50 cents an hour. When the babysitter arrived, there was a third child, a cousin, present. Plaintiff said nothing about an increased rate, but demanded \$2.25 cents an hour when the Defendant returned home two hours later. Plaintiff claimed the rate to be 75 cents per child. The Defendant refused to pay the additional 75 cents per hour. Plaintiff sued.

What is the issue?

How do you decide? Judgment is for the Plaintiff or Defendant.

Why?

PRO-SE COURT

Second Case

Facts:

1. Plaintiff is the owner of a ten-speed bicycle.
2. Defendant is the owner of a bicycle repair shop.
3. Plaintiff brought bicycle into the shop when the gears didn't shift properly. Plaintiff told Defendant to fix the gears as well as possible but not to do anything that cost more than \$25. When Plaintiff came back to pick up the bicycle, he found that the shop had installed brand new gears, and had sold his broken gear shift to a bicycle used parts company. The Defendant told Plaintiff that he owed \$50. The Plaintiff told the Defendant that he would pay \$25 since that was the amount he had said was as high as he could go. The Defendant said he would not get the bicycle back until \$50 was paid. Plaintiff sued.

What is the issue?

How do you decide? Judgment is for the Plaintiff or Defendant.

Why?

TRIAL COURTROOM PROCEDURE

OBJECTIVE

To briefly familiarize students with a trial process.

PROCEDURE

Review the Mock Trial guide, choose a script and assign the parts.

Review "Steps in a Jury Trial"

Guide to Conducting Mock Trials

Goldilocks v. The Three Bears (K-6)

The Big Bad Wolf v. The Three Little Pigs (K-6)

The Case of Mary's Missing Lunch

STEPS IN A JURY TRIAL

1. Selection of the Jury

Jurors called for the voir dire.

Jurors challenged, for cause and peremptory.

Challenged jurors return to the jury room and the selected jurors are sworn.

2. The Trial

The Judge may deliver remarks to the Jury. The attorneys give their opening speeches.

Witnesses are called for direct and cross-examination and exhibits are presented.

When all of the evidence has been presented, the attorneys give summing up, or closing arguments.

3. The Judge's Charge

The Judge instructs the jury as to what laws apply to the case and what those laws mean.

4. Deliberation

The jury goes into a private room to discuss the case and reach a decision. They may talk to no one except the Judge if they have questions.

5. The Verdict

The jury returns to the courtroom and the foreperson announces the decision. The attorneys may ask that the jury be polled.

GUIDE TO CONDUCTING MOCK TRIALS

INTRODUCTION

The mock trial has proven to be an effective learning tool for elementary and secondary school students. It helps students develop useful knowledge about the law, questioning techniques, critical thinking, and oral advocacy skills.

Good mock trials will also leave student participants with an appreciation of the difficulties that judges, lawyers and juries face in attempting to present all relevant facts and legal arguments and insure the just resolution of the issues involved.

Below is a brief outline explaining the various types of mock trials that can be presented, how to prepare for and conduct mock trials in the classroom, and how to conduct mock trial competitions with other classes and schools.

TYPES OF MOCK TRIALS

The mock trial begins where actual trials begin - - with a conflict or a dispute that the parties have been unable to resolve on their own. Mock trials may draw upon historical events, trials of contemporary interest, school and/or classroom situations, or hypothetical fact patterns. Most mock trials use some general rules of evidence and procedure, an explanation of the basic facts, and brief statements for each witness. Other mock trial formats range from free-wheeling activities where rules are created by the student participants (sometimes on the spot) and no scripts are used, to serious attempts to simulate the trial process based on simplified rules of evidence and procedure to dramatic reenactments of historical trials in which scripts are heavily relied upon.

PREPARING FOR A MOCK TRIAL

After teaching students about the purpose of trials and the procedure involved, we suggest the following:

*This Guide has been taken from the main article "From Classroom to Courtroom: The Mock Trial," written by Lee Arbetman and Ed O'Brien, both attorneys and former classroom teachers who are currently on the staff of the National Street Law Institute, 605 C Street, NW., Washington, D.C. 20001.

- a) Distribute mock trial materials to the students. The facts and basic law involved should be discussed with the entire class. Teachers may develop fact patterns and witness statements (e.g., brief summaries of each witness' testimony), have students develop them, or use the materials provided in this package.
- b) Try to match the trial to the skills and sophistication of your students. For example, if your students are unfamiliar with mock trials, you probably should begin with a simple exercise. Remember that the aim of mock trials isn't always to imitate reality, but rather to create a learning experience for students. Just as those learning piano begin with simple exercises, so those learning mock trials can begin simply and work up to cases which more closely approach the drama and substantive dimensions of the real thing.

c) Students should be selected to play attorneys and witnesses, and then groups formed to assist each witness and attorney prepare for trial. A case could easily involve the entire class. For example, at least two could be assigned as attorneys for each side. In addition, four students are needed as witnesses and twelve students can serve as the jury. Such a division of tasks directly involves approximately two dozen students, and others can be used as bailiff, court reporter, judge, and as possible replacements for participants, especially witnesses, in the event of an unexpected absence. Still other students may serve as radio, television or newspaper reporters who observe the trial and then "file" their reports by making a presentation to the class in the form of an article or editorial following the trial.

d) Students work in the above mentioned task-groups in class for one or more class periods, with the assistance of the teacher and an attorney or law student. During the preparation time, jurors might explore the role of the jury, the historical development of the jury system, and other topics related to their part in the mock trial. Student attorneys should use this time to outline the opening statements they will make. Because these statements focus the attention of the jury on the evidence, which will be presented, it will be important for these students to work in close cooperation with all attorneys and witnesses for their side.

Student attorneys should develop questions to ask their own witnesses and rehearse their direct examination with these witnesses. Witnesses should become thoroughly familiar with their witness statements so that their testimony will not be inconsistent with their witness statements. (These statements which may be considered to be sworn to pretrial depositions or affidavits, can be used by the other side to impeach a witness who testifies inconsistently with the statement.)

On direct examination (that is, either the plaintiff's or defendant's attorneys questioning their own witnesses), questions should not be leading - - they should not have the answer included as part of the question. Leading questions may, however, be used in cross-examining a witness in order to impeach the witness' credibility in the testimony.

While some attorney-witness groups are constructing the questions and testimony for direct examination, other attorneys should be thinking about how they will cross-examine the witnesses for the other side. As mentioned, the purpose of cross-examination is to make the other side's witnesses seem less believable if the eyes of those determining the facts of the case (i.e., the jurors in a jury trial or the judge if no jury is used). Leading questions, sometimes requiring only a yes or no answer, are permitted. Frequently it is wise to ask relatively few questions on cross-examination so that the witness will not have an opportunity to reemphasize strong points to the jury.

During cross-examination, for example, the attorneys for the plaintiff might try to suggest that the testimony of the defense witnesses is inconsistent.

The closing arguments are rather challenging since they must be flexible presentations, reviewing not only the evidence presented for one's side but also underscoring weaknesses and inconsistencies in the other side's case which arise out of the trial proceedings.

CONDUCTING A MOCK TRIAL

a) Once all preparation has been completed, convert the classroom into a courtroom by rearranging desks as shown in the diagram. It is also helpful to have long tables for each attorney's team to work from; the teacher's desk can serve as the judge's bench.

Layout of Classroom:

b) Conduct the trial with a teacher, students or resource person (perhaps a law student, lawyer or actual judge) as a judge. A student jury may be used. The role of the jury is often minimized in television trials. Students should understand that the jury determines the facts in a case, primarily through their acceptance or rejection of the testimony offered by various witnesses for both sides. The judge deals with questions of law and explains to the jurors the key legal issue in the case.

Participants:

Judge (could be a visitor to class with legal experience), prosecutor(s) or plaintiff's attorney(s) in a civil case defense attorney(s), Witnesses for the prosecution, witnesses for the defense, bailiff (swears in witnesses and marks evidence), Jury composed of twelve persons, one of whom should be named jury foreman; alternates may also be designated.

c) Simplified Steps in a Trial:

1. Calling of Case by Bailiff: "All rise. The Court of _____ is now in session. Honorable Judge _____ presiding.
2. Opening Statement: First the prosecutor (criminal case) or plaintiff's attorney (civil case), then the defendant's attorney, explain what their evidence will be and what they will try to prove.
3. Prosecution's or Plaintiff's Case: Witnesses are called to testify (direct examination) and other physical evidence is introduced. Each witness called is cross-examined '(questioned so as to break down the story or be discredited) by the defense.
4. Defendant's Case: Same as the third step except that defense calls witnesses for direct examination; cross-examination by prosecution/plaintiff.
5. Closing Statement: An attorney for each side reviews the evidence presented and asks for a decision in his/her favor.
6. Jury Instructions (Jury Trials Only): The Judge explains to the jury appropriate rules of law that it is to consider in weighing the evidence. As a general rule, the prosecution (or the plaintiff in a civil case) must meet the burden of proof in order to prevail. In a criminal case this burden is very high. In order for the accused? Are some parts of the trial more important than others? Would you trust a jury of your peers to determine your guilt or innocence? Students should also explore their reactions to playing attorneys, witnesses, jurors, and the judge. What roles do each play in the trial process?

If a resource person has participated in the mock trial, the debriefing is an excellent way to make the most of his or her experience and insights. Since the mock trial is a common frame of reference, the resource person has a natural vehicle for expressing ideas and observations, and students should be better able to grasp the points that are being discussed.

MOCK TRIAL COMPETITIONS

A variety of spin-offs have come from mock trials. One of the most rewarding is the area-wide mock trial competition. These competitions are like single elimination basketball tournaments. That is, teams from different schools compete against each other, with the losers eliminated and the winners proceeding to the next round. (Of course, the same model could be used for competitions

between classes within a school.) The Street Law project has been conducting city-wide mock trials in Washington since 1972, and we'd be glad to send you information on how you can set up your own competition, just write to us at the National Street Law Institute, 605 G Street, N.W. , Washington, D.C. 20001.

These competitions are real attention-grabbers, which build students' interest, involve volunteers in a creative way, and provide excellent public relations and publicity for your program. The competitions need not be expensive. They can usually take advantage of time donated by lawyers and judges, and judges or law schools can often make courtrooms available at no cost.

There is one point to remember that applies to mock trials at any level. Don't forget that the objective is not the precise replication of an actual trial but a learning experience for you, your students, and even for any resource persons who may be helping out. The emphasis shouldn't be on perfection, but on a non-threatening exercise with plenty of time for debriefing, enabling the class to go over key points in the trial and better understanding the whole experience. To put it another way, don't forget that mock trials should be both fun and a learning experience.

MOCK TRIAL SCRIPT

MOM A. BEAR, POP A. BEAR

and

BABE E. BEAR

v.

GOLDEN LOCKS a/k/a

GOLD E. LOCKS

(For Pre-School Children Through Primary Grades)

Prepared by
Attorney Richard D. Torpy
Denver, Colorado

PARTICIPANTS IN TRIAL

Judge
Mom A. Bear
Pop A. Bear
Babe E. Bear
Gold E. Locks
Plaintiff's counsel
Defendant's counsel
Jurors
Bailiff

SCENE: The Arapahoe District Courthouse. The Bailiff comes out and calls the case of Mom A. Bear, Pop A. Bear and Babe E. Bear vs. Golden Locks, also known as Gold E. Locks. The Bears are seated at the Plaintiff's table. Golden Locks and her parents, Mr. and Mrs. Locks are sitting at the defense table.

JUDGE: This is the case of Mom A. Bear, Pop A. Bear and Babe E. Bear vs. Golden Locks. As I understand the pleadings, the charge against Golden Locks is that she showed bad manners. Are there any opening statements?

ATTY FOR BEARS: Your Honor, in this case we will show that one crisp fall Morning Mom A. Bear got up early and made a steaming bowl of porridge. She intended to serve the bowl of porridge to Pop A. Bear and Babe E. Bear for breakfast. We will further show that because the porridge was too hot, the Bears decided to take a walk in the forest. While walking in the forest, Gold E. Locks entered the home of the three Bears and ate some porridge out of the bowls of Mom A. Bear and Pop A. Bear. She ate all the porridge from the bowl of Babe E. Bear. After eating Babe E. Bear's porridge, Gold E. Locks sat down in Babe E. Bear's chair and broke it. After breaking the Babe E. Bear's chair, Gold E. Locks went upstairs and fell asleep in Babe E. Bear's bed. Through our evidence we will show that Gold E. Locks did not use good manners in her actions. Thank you, your Honor.

JUDGE: Does the attorney for Gold E. locks have any opening statement?

ATTY FOR LOCKS: Your Honor, these charges of bad manners against Gold E. Locks are ridiculous. We will show that the Bears invited Gold E. Locks into their homes by leaving the door open. Gold E. Locks was out walking in the forest, minding her own business, and picking flowers, when she smelled the sweet aroma of porridge cooking. She had been in the forest many times before and she knew where the Bears lived. Gold E. Locks merely thought she was invited for breakfast. We will further show that the porridge was so good that Gold E. Locks decided to take a nap so that she could sleep off her breakfast. We will show that Gold E. Locks was a guest -- and certainly did not demonstrate any bad manners.

JUDGE: Very well. Call your first witness.

ATTY FOR BEARS: I call Mom A. Bear as my first witness.

(Mom A. Bear gets up, goes forward to be sworn in.)

JUDGE: Please raise your right paw.

(Mom A. Bear raises her right paw.)

JUDGE: Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth?

MOM A. BEAR: I do.

JUDGE: Please be seated.

ATTY FOR BEARS: Please state your name

MOM A. BEAR: My name is Mom A. Bear. That's first name Mom, middle initial A., last name Bear. They also call me Momma Bear.

ATTY FOR BEARS: Where do you live?

MOM A. BEAR: I live in a little bungalow House in the forest. The forest is surrounded by flowers and trees. It is a pretty little house.

ATTY FOR BEARS: Is that forest located in (insert local city & state)

MOM A. BEAR: Yes, it is.

ATTY FOR BEARS: Who else lives in the house?

MOM A. BEAR: My husband, Pop A. Bear, and our little bear, Babe E. Bear, live with me.

ATTY FOR BEARS: On the Morning of October 26, 1999, did you make breakfast for your family?

MOM A. BEAR: Yes, I did. I always make a wholesome nutritious breakfast for my family. As they are very fond of porridge, I made porridge on that particular day, and as I always do, I sprinkled the porridge with honey, a pinch of cinnamon and two pawfuls of raisins. Pop A. Bear especially likes the two pawfuls of raisins.

ATTY FOR BEARS: Very well, I see, it sounds delicious.

MOM A. BEAR: It is! You should come over and try some sometime.

ATTY FOR LOCKS: Your Honor, I object to that last question concerning Mom A. Bear's invitation to her attorney to try her porridge. We will stipulate that Mom A. Bear makes very good porridge.

JUDGE: Very well. Counselor would please comment only on the case and not on your social life with the Bear family.

ATTY FOR BEARS: After you made the porridge, Mom A. Bear, what did you do?

MOM A. BEAR: I called Pop A. Bear and Babe E. Bear to come downstairs for breakfast. I really did not have to call them as the aroma from the porridge brought them downstairs quickly.

ATTY FOR BEARS: Then what happened?

MOM A. BEAR: We sat down at the table and said grace. After grace, Babe E. Bear said that the porridge was too hot and burning her tongue, so we decided to go for a little walk in the forest and let the porridge cool.

ATTY FOR BEARS: I see. Do you always walk in the forest?

MOM A. BEAR: Oh, yes! We love to walk in the forest. Walking is good for us in the bright sunshine.

ATTY FOR BEARS: When you got back from your walk, what did you find?

MOM A. BEAR: Well, the door was open. I had told Babe E. Bear to close it but she forgot. You know how baby bears are about doing those things.

ATTY FOR BEARS: Yes, I know. I have baby bears of my own. What did you see when you got back?

MOM A. BEAR: I think we should let Pop A. Bear tell that.

(Mom A. Bear gets down from the witness stand. Pop A. Bear goes forward to be sworn, raises his right paw, and is sworn by the Judge.)

ATTY FOR BEARS: Please state your name.

POP A. BEAR: My name is Pop A. Bear. (growling)

ATTY FOR BEARS: Do you live in the forest with Mom. A. Bear and Babe E. Bear?

POP A. BEAR: Yes, that's our home. It's located out in (insert local place).

ATTY FOR BEARS: Very well. When you got back from your walk in the forest what did you notice?

POP A. BEAR: Well, first I noticed that the door was open. I told Babe E. Bear to close it several times, but I guess she forgot again. I'm going to have to speak to Babe E. Bear about her forgetting to close the door when I tell her to!

ATTY FOR BEARS: Did you smell porridge in the house?

POP A. BEAR: Oh, yes! It smelled delicious. Mom A. Bear is the best porridge-maker in the whole forest. I especially like the two pawfuls of cinnamon and raisins she puts in it.

ATTY FOR LOCKS: Your Honor, we know Mom A. Bear makes good porridge. We will stipulate for the record that Mom A. Bear's porridge is the best porridge in the whole wide world, not to mention the best porridge in (insert local place).

ATTY FOR BEARS: When you got back to the house what did you notice first?

POP A. BEAR: Well, I went over to eat my bowl of porridge. When I looked in the porridge bowl there was none there.

ATTY FOR BEARS: Did you say anything?

POP A. BEAR: Yes, I growled, "Somebody's been eating my porridge!"

(Attorney for Bears takes bowl of porridge labeled "Pop A. Bear" and has it marked as an exhibit.)

ATTY FOR BEARS: Pop A. Bear, I now hand to you what has been marked as "Bear's Exhibit A." Is that your bowl?

POP A. BEAR: Yes, can't you see it says "Pop A." on it?

ATTY FOR BEARS: Oh. Is this the bowl of porridge that was sitting on your table?

POP A. BEAR: Yes, it is. I never eat my porridge from any bowl except that bowl.

ATTY FOR BEARS: And when you came back from your walk in the forest, is this the way you found it?

POP A. BEAR: Yes, it was empty, just like it is now!

(Attorney gives bowl to Court.)

ATTY FOR BEARS: Your Honor, I ask that our exhibit be admitted as evidence.

JUDGE: All right.

ATTY FOR BEARS: Pop A. Bear, after you discovered your porridge bowl empty, what did you do?

POP A. BEAR: I walked into my living room.

ATTY FOR BEARS: And what did you see?

POP A. BEAR: My favorite Pop A. Bear chair that Mom A. Bear and Babe E. Bear gave me for Father's Day last year.

ATTY FOR BEARS: Did you say anything upon noticing that somebody has been sitting in your chair?

POP A. BEAR: Yes I growled, "Somebody's been sitting in my chair!"

ATTY FOR BEARS: Then what did you do?

POP A. BEAR: Well, I was getting suspicious, so I went upstairs.

ATTY FOR BEARS: What did you notice upstairs?

POP A. BEAR: I noticed that my bed had been messed up.

ATTY FOR LOCKS: Your Honor, I object. We all know that Pop A. Bear never makes his bed, and that the bed just sits there until Mom A. Bear makes it in the morning. How do we know that the bed had not been messed up from Pop A. Bear's sleeping in it?

ATTY FOR BEARS: Pop A. Bear, did you make your bed that morning?

POP A. BEAR: Yes. I made a special effort that morning to make the bed as a birthday present for Mom A. Bear.

ATTY FOR BEARS: And when you got back was the bed messed up?

POP A. BEAR: Yes, it was.

ATTY FOR BEARS: Did you say anything?

POP A. BEAR: Yes, I growled, "Somebody's been sleeping in my bed!"

ATTY FOR BEARS: Did you see anybody sleeping in your bed?

POP A. BEAR: No, I didn't. I went back downstairs

ATTY FOR BEARS: Pop A. Bear, that's all the questions I have for you.

JUDGE: You may step down.

(Pop A. Bear gets off the witness stand.)

ATTY FOR BEARS: Next I will call Babe E. Bear to the stand.

(Babe E. Bear goes forward, raises her right paw and is sworn in.)

ATTY FOR BEARS: What is your name?

BABE E. BEAR: (babyish tone) My name is Babe E. Bear. I live with my Mommy and Daddy Bear in a little cottage in (local place).

ATTY FOR BEARS: Do you go to school?

BABE E. BEAR: Yes. I attend the (insert name of particular school) in (insert local city and state).

ATTY FOR BEARS: I see. And who are your teachers at pre-school?

BABE E. BEAR: My teachers are (insert name of teacher).

ATTY FOR BEARS: And do you always mind your teachers at pre-school?

BABE E. BEAR: Well, most of the time I do.

ATTY FOR BEARS: And have your teachers told you to close the door when you leave a room?

BABE E. BEAR: Well, they are trying to teach me to do that, but sometimes I forget. You see, I am still a baby bear.

ATTY FOR BEARS: Did you go for a walk with your mommy and daddy in the forest?

BABE E. BEAR: Yes, I did. The porridge was too hot and I could not eat it, so I thought we could go for a walk and see the birdies, the bunny rabbits and the other animals that live in the forest. I like to watch the birdies and the bunny rabbits. One time I even saw a deer in the forest.

ATTY FOR BEARS: When you got back from the forest what did you see?

BABE E. BEAR: I went with my daddy to sit down to eat my breakfast, and when I sat down, my porridge bowl was empty.

ATTY FOR BEARS: And what did you say?

BABE E. BEAR: (whines) I said, "Somebody's been eating my porridge, too, and they

ate it all up!"

(Attorney takes bowl labeled Babe E. Bear and hands it to the Baliff.)

ATTY FOR BEARS: Please mark this as Bear's Exhibit B.

(Attorney hands bowl to Babe E. Bear.)

ATTY FOR BEARS: And, is this your porridge bowl?

BABE E. BEAR: Yes, it is. My grandma gave it to me when I was a tiny baby. I was just a little cub when she gave it to me. She gave it to me because she knew I liked to eat porridge for breakfast.

ATTY FOR BEARS: And, is that the bowl that was empty when you came back into your house from your walk in the forest?

BABE E. BEAR: Yes, it is.

(Attorney hands bowl to Judge as Exhibit B.)

ATTY FOR BEARS: And then what did you do, Babe E. Bear?

BABE E. BEAR: I went into my living room and I saw that my favorite chair was broken! Grandpa gave me the chair for my second birthday so that I could sit with Mom A. Bear and Pop A. Bear. I mainly used it when I watched television. You know, my favorite programs are Yogi Bear and football games between the Chicago Bears and the (insert name of local team). Of course, I had to root for the Bears.

ATTY FOR BEARS: Yes, I know. And when you saw your chair what did you say?

BABE E. BEAR: I said, "Somebody's been sitting in my chair and they broke it!" I was really sad about my chair being broken, because it was my favorite.

(Attorney picks up broken chair and has it marked as Exhibit C.)

ATTY FOR BEARS: Babe E. Bear, is that your chair?

BABE E. BEAR: (pouting) Yes, it is. I really feel sad because it's broken. Pop A. Bear was going to fix it, but he is very slow at doing these things sometimes. I guess Mom A. Bear will have to talk to him about it.

ATTY FOR BEARS: And then what did you do?

BABE E. BEAR: I went upstairs to my bedroom.

ATTY FOR BEARS: And did you make your bed on that Morning?

BABE E. BEAR: Yes, I did on that Morning because it was Mom A. Bear's birthday. Daddy Bear and I wanted to surprise her because we sometimes, well, most of the time, forgot to make our beds. Mom A. Bear scolds us for it.

ATTY FOR BEARS: I see. But you did make your bed that Morning?

BABE E. BEAR: Well, Daddy Bear helped me, but we made it, yes. I even put my little pillow neatly at the top of the bed.

ATTY FOR BEARS: And, when you went back upstairs, what did you see?

BABE E. BEAR: (agitated) When I went back upstairs, my little pillow was gone! When I approached the bed I saw these golden locks. I then peeked under the covers and I saw a little girl, and I shouted, "Somebody's been sleeping in my bed, and there she is! It's a little girl!"

ATTY FOR BEARS: And, what did the little girl do?

BABE E. BEAR: She got up and ran so fast that I hardly saw her. I just saw these golden locks as she ran out the door.

ATTY FOR BEARS: Is the little girl who was sleeping in your bed here today?

BABE E. BEAR: Well, that little girl over there with the golden hair looks like her, but I really didn't get a very good view. It could be her.

(Attorney hands pillow, which has been marked as Exhibit C to Babe E. Bear.)

ATTY FOR BEARS: Is this your pillow?

BABE E. BEAR: Yes, it is. My Aunt Cubby made it for me when I was a baby.

ATTY FOR BEARS: Babe E. Bear, you don't have golden hair, do you?

BABE E. BEAR: No, I don't. My hair is brown and furry like my Mommy and Daddy's.

ATTY FOR BEARS: There is golden hair on this pillow. Could that be Gold E. Locks' hair?

BABE E. BEAR: I guess so, it's not mine.

ATTY FOR BEARS: Very well, Babe E. Bear. Do you have anything further to say?

BABE E. BEAR: Well, I don't blame the little girl for wanting to eat the porridge and Mommy can always make more porridge, but I wish she hadn't broken my chair. That really is my favorite chair.

ATTY FOR BEARS: Thank you, Babe E. Bear.

(Babe E. Bear gets down.)

ATTY FOR BEARS: Your Honor, that is all of our evidence. The Bears rest.

JUDGE: Very well. We will now hear Gold E. Locks' side of the case.

ATTY FOR LOCKS: Your Honor, as my first witness I will call Gold E. Locks.

(Gold E. Locks gets up, walks forward, raises her right hand to be sworn. Judge administers the oath. Gold E. Locks then sits down.)

ATTY FOR LOCKS: What is your name?

GOLD E. LOCKS: My name is Golden Locks. I am also called Gold E. Locks. When I was born my mother said I had golden locks. And so from that day forward I have been known as Gold E. Locks.

ATTY FOR LOCKS: I see. You have very pretty gold locks.

GOLD E. LOCKS: Thank you.

ATTY FOR LOCKS: Where do you live?

GOLD E. LOCKS: I live with my mother Locks, my father Locks, my little baby brother Locks, my kitty cat Spook Locks and Funny locks at (insert a local address). Oh yes, I also live with my dog, Melissa Locks. Melissa needs a haircut right now.

ATTY FOR LOCKS: Oh, that's very interesting. And is your house located anywhere near the house of Babe E. Bear?

GOLD E. LOCKS: Oh, yes, Babe E. Bear and I see each other quite often while walking in the forest. I like to walk through the forest and pick flowers. I also like to watch the bunny rabbits and deer in the forest. Babe E. Bear and I also attend the same pre-school, that is (insert the name of a local school). My mommy takes me every day in the station wagon to pre-school. Sometimes I take some of the flowers, which I have picked in the forest with me.

ATTY FOR LOCKS: And, are your teachers also (insert name of teacher).

GOLD E. LOCKS: Yes, they are. We play games and play in the toy kitchen and sing and have a snack.

ATTY FOR LOCKS: And, I'm sure your teachers, along with your mother and father, have told you never to go into a strange house.

GOLD E. LOCKS: Yes, they have. But sometimes I forget, especially when the porridge smells so good!

ATTY FOR LOCKS: Now Gold E., on the day in question, were you out walking in the forest?

GOLD E. LOCKS: Yes, I was. I was out picking flowers in the forest early one fall morning. I like to go out early in the morning because that's when I see the most bunny rabbits and sometimes I even see a deer.

ATTY FOR LOCKS: And, as you were walking in the forest what did you smell?

GOLD E. LOCKS: I smelled the most yummy porridge coming from a house in the forest. I followed my nose until I came to a brown house, which had the name "Bear" on the front. I knocked on the door, but I did not see anybody at

home. The smell was so good and I had not had any breakfast that Morning since Mommy does not fix breakfast until I get back from my Morning walk. In fact, sometimes she even goes with me.

ATTY FOR LOCKS: I see. And then what did you do?

GOLD E. LOCKS: I knocked on the door several times but nobody answered. As the door was open, I figured that the people who lived in the house must be close by.

ATTY FOR LOCKS: Did you enter the house?

GOLD E. LOCKS: Yes, I did, but the door was wide open. followed my nose right to the kitchen. There I saw three bowls of porridge.

ATTY FOR LOCKS: When you saw the three bowls of porridge, what did you say?

GOLD E. LOCKS: I said, "Oh, my porridge!"

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: I tasted some porridge from Papa Bear's great big bowl. It was too hot. Then I tasted the porridge in Mom A. Bear's medium sized bowl, but it was too cold. Then I tasted some porridge in Babe E. Bear's bowl. It was just right, and I was so hungry I ate it all up.

ATTY FOR LOCKS: Were the Bears in the house while you were eating the porridge?

GOLD E. LOCKS: No, but I figured they must be nearby. I guess I got so excited eating the porridge that I forgot about the Bears.

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: Well, my tummy was so full of yummy porridge that I went into the living room to thank the person who had made the porridge and to tell her how good the porridge was. My mother said I always should say thank you when somebody does something nice for me.

ATTY FOR LOCKS: Did you find anybody?

GOLD E. LOCKS: No, I didn't. So I decided to sit down in a chair to wait for the person to come home so I could tell her how good the porridge was. I wanted her to give me the recipe so I could give it to my Mommy. My Mommy makes good porridge but it doesn't taste quite as good as the porridge I had at the Bears' house. I think it's the pawfuls of raisins that makes it taste so good.

ATTY FOR LOCKS: Did you sit down?

GOLD E. LOCKS: Yes, I did. In fact I sat in this great big chair. But it was too hard and too big. I did not feel comfortable in it. It looked like a poppa's chair. My daddy has one like it at home. Then I sat in a smaller chair, but it was too soft. It was kind of like the chair my mommy sits in at home. Than I

sat down in this little chair which seemed to be just right.

ATTY FOR LOCKS: What happened when you sat in the chair?

GOLD E. LOCKS: It broke. But I think the chair was already broken when I sat in it and that it was just sitting there as a decoration. As little as I weigh I am sure my weight would not have broken it if it had not already been broken. I was really sad when I saw the broken chair.

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: I was so sad when I saw the broken chair that I decided to go upstairs and wait for the Bears to come home so I could tell them about it. I went into a room which was decorated a lot like my room at home and sat down on a bed to wait for the Bears to come home. I think I was crying a little bit too, about breaking the chair. Well, the bears did not come home right away and I must have closed my eyes to wait for them. I fell asleep on Babe E. Bear's bed. The next thing I remember before I fell asleep on Babe E. Bear's bed was that I also tried Pop A. Bear's bed and Mom A. Bear's bed. But they were too hard. I guess I messed their beds up a little bit too, although Pop A. Bear's bed had not been made very well. It looked like he did it himself.

ATTY FOR LOCKS: What do you remember next?

GOLD E. LOCKS: The next thing I remember there were three bears standing around me. Pop A. Bear looked very, very mad and he said, "Somebody's been sleeping in my bed!" Then I heard Mom A. Bear say, "Somebody's been sleeping in my bed!" I was so frightened that I got up and ran right out the door to my mother.

ATTY FOR LOCKS: Gold E. Locks, as I recall your testimony, you ate the porridge because it smelled so good and you were hungry. You had not knocked the door down, but walked in the open door thinking the people would not care. The chair was broken when you sat down to wait for the maker of the porridge to tell her how good the porridge was, and you accidentally fell asleep on the bed.

GOLD E. LOCKS: That's right.

ATTY FOR LOCKS: You didn't mean anybody any harm did you, Gold E. Locks?

GOLD E. LOCKS: Of course not! It looked like such a friendly house and I knew that Babe E. Bear lived there. I see her at pre-school many times. She even told me that sometime I should come over and have some porridge with her because her mother made it so good! I really didn't mean to harm anything and I'm really sorry about the chair, but I still don't think I broke it.

ATTY FOR LOCKS: Thank you, Gold E. That's all the questions. Next I will call Mrs. Locks to the stand.

(Mrs. Locks goes forward and is sworn in.)

ATTY FOR LOCKS: What is your name?

MRS. LOCKS: My name is Curl E. Locks.

ATTY FOR LOCKS: Where do you live, Mrs. Locks?

MRS. LOCKS: We live at (insert localized address).

ATTY FOR LOCKS: And are you the mother of Gold E. Locks?

MRS. LOCKS: Oh, yes, I am. She is my little girl

ATTY FOR LOCKS: What kind of a little girl is Gold E. Locks?

MRS. LOCKS: Gold E., essentially, is a good little girl. She is mischievous like most little girls, but she tries to always do the right thing. Sometimes she forgets. I do have one trouble with her and that is that she likes to wander through the forest picking flowers. She tells me that she likes to look at the bunny rabbits and the deer. Most of the time I go with her but on the Morning in question I was getting ready for a bridge club meeting.

ATTY FOR LOCKS: You say Gold E. is essentially a good girl. Does she say please?

MRS. LOCKS: Most of the time.

ATTY FOR LOCKS: And does she say thank you?

MRS. LOCKS: Oh, I have taught her to say thank you and her teachers at school have taught her to say thank you, and she says thank you most of the time when she remembers. But like most little girls, sometimes she forgets.

ATTY FOR LOCKS: Does she help you with the dishes?

MRS. LOCKS: Well, most of the time. But sometimes; especially when the Muppets are on television, she runs downstairs and watches television and forgets to help me with the dishes. But I understand -- especially when the Muppets are on television. That's her favorite show, you know.

ATTY FOR LOCKS: Does she attend pre-school?

MRS. LOCKS: Oh, yes. She goes to (insert local school) every day. She enjoys the music and swinging on the swings and the art classes and all the activities. She's really excited about her pre-school.

ATTY FOR LOCKS: Well, this trial is about Gold E. Locks having bad manners. Do you think she has bad manners?

MRS. LOCKS: Oh, goodness no. She does forget occasionally like most little girls do but I know she tries to use good manners. I think the only reason she went into the Bear' house was because the porridge smelled so good. And after she ate the porridge she simply wanted to stay there until the

Bears returned to tell them how good the porridge was. She certainly didn't intend any harm and I know that she didn't mean to break the chair. But Gold E. has told me that the chair was already broken when she sat in it. You know she's not very big and I don't think she could break the chair.

ATTY FOR LOCKS: Where is Mr. Locks today?

MRS. LOCKS: Oh, he wanted to be here, but he had a very important meeting. He's a lawyer, you know, and lawyers are always going to very important meetings -- at least that's what he tells me. I'm sure he would say the same thing about Gold E. Locks if he were here.

ATTY FOR LOCKS: Is there anything else you would like to say, Mrs. Locks?

MRS. LOCKS: Well, we're sorry that the Bears were inconvenienced, but if they would like to come to our house for breakfast I would be glad to fix them some of my porridge. Maybe Mrs. Bear could even show me how she makes it so yummy.

ATTY FOR LOCKS: Thank you, Mrs. Locks, you may step down.

(Mrs. Locks steps down.)

JUDGE: Are there any summaries?

ATTY FOR BEARS: Your Honor, we have shown that Gold E. Locks, without being invited, walked into the Bear's home, ate Babe E. Bear's porridge, broke Babe E. Bear's chair, and slept in her bed. She did all of this without being invited and I certainly think that meets the test of bad manners. Even though Gold E. Locks knew better, that is no excuse. I'm sure the jury agrees that one who displays good manners does not do such things.

ATTY FOR LOCKS: Your Honor, we have shown that Gold E. Locks is basic all a good little girl. She has said that she meant no harm in going into the house, and the door was open. The porridge was so good that she could not resist it and after she ate the porridge she merely wanted to wait for the Bears to come home to thank them. She didn't mean to break Babe E. Bear's chair, and in fact there is no real evidence that she broke the chair. I think the chair was broken when she sat in it. She certainly is not big enough to have broken the chair. She is sorry she fell asleep in the bed, but she was merely waiting for the Bears to come home so she could thank them and to ask them how they make the yummy porridge. She certainly did not display any bad manners, in fact she showed good manners by waiting to thank the bears.

JUDGE: Thank you. Does that conclude the evidence?

ATTORNEYS: (both) Yes, it does.

(Judge turns to jury)

JUDGE: You now have heard the evidence. Now it is your job to decide

whether Gold E. Locks has bad manners. Will you please go with the Bailiff to the jury room and after you have decided, would you please come back and inform the Court whether Gold E. Locks showed bad manners by entering the house of the three bears and eating the porridge, sitting in Babe E. Bear's chair, and sleeping in Babe E. Bear's bed.

(Bailiff takes the jurors to the jury room. After a while, jurors come back with a verdict.)

JUDGE: Have you reached a verdict?

JUROR: Yes, we have, your Honor.

JUDGE: What is that verdict?

JUROR: The jury has voted and has determined that. . .

MOCK TRIAL SCRIPT

B. B. WOLF (a/k/a BIG BAD WOLF)

v.

CURLY PIG

(For Pre-School Children Through Primary Grades)

Prepared by:
Carol White
Chicago, Illinois

PARTICIPANTS IN TRIAL:

Judge
B.B. Wolf
Curly Pig
Jack Smith
Plaintiff's Counsel
Defendant's Counsel
Jurors
Bailiff

The Big Bad Wolf -vs- The Three Little Pigs

SCENE: The Once upon a time Courthouse. The Bailiff enters the courtroom and calls the case of B.B. Wolf, also know as Big Bad Wolf, versus Curly Pig. Wolf is seated with his attorney at the plaintiff's table, Pig with his counsel at the defendant's table.

JUDGE: This is the case of Wolf versus Pig. As I understand the pleadings, the charge against Pig is attempted Wolf cooking. Now, are there any opening statements?

ATTY FOR WOLF: Your honor, in this case, we will show that last August 19, the defendant, Mr. Pig, did indeed attempt to cook the plaintiff. We will show that he placed a steaming cauldron of boiling water in a spot where he was sure Mr. Wolf would show up, and that furthermore, his cookbook was found open to the recipe for Poached Wolf. Thank you your honor.

JUDGE: Does the attorney for Curly Pig have any opening statement?

ATTY FOR PIG: Your honor, Mr. Wolf's charge is ridiculous. We will show that the cauldron was inside Mr. Pig's home--a home Mr. Wolf was trying to forcibly enter. We will also show that Mr. Wolf's actions were just the latest in a long series of harassment of the Pig family --harassment that include the eating of Mr. Pig's two brothers, Larry and Hoe. We will show that Curly Pig was merely

protecting his home and life.

JUDGE: Very well, call your first witness.

ATTY FOR WOLF: I call B.B. Wolf as my first witness.

JUDGE: (B.B. Wolf gets up, goes forward to be sworn in.) Please raise your right paw.
(B.B. Wolf does so.)

JUDGE: Do you swear that the evidence you are about to give is the truth, the whole truth and nothing but the truth?

WOLF: I do.

JUDGE: Please be seated.

ATTY FOR WOLF: Please state your name.

WOLF: My name is Big B. Wolf. Most of my friends call me B.B.

ATTY FOR WOLF: Where do you live?

WOLF: Oh, I've got a nice little den in the woods outside (insert local city). You know it's got redwood paneling. I've got a pretty nice stereo.

ATTY FOR WOLF: A kitchen?

WOLF: Well, uh, I uh, eat out a lot, you might say.

ATTY FOR WOLF: Ah, yes. Well, let's move on to the morning of August 19, 1981. Do you recall your whereabouts on that morning?

WOLF: Yes, I do. Quite clearly, actually. I was taking my usual morning stroll and I passed the house of my old pal, Curly Pig. I was admiring his house -- it's quite well built, you know -- and thought I'd pay good old Curly a visit and tell him just that -- what a fine job he'd done in building that place of his. Anyway, I knocked on the door and called out his name, but there was no answer. And so I knocked harder and called out louder, but still there was no answer. And then I sat down on the front porch to wait. I figured Curly was probably out at the store or something and would be back in a minute. You see I really did want to see my old buddy, and I don't get into that neighborhood all that often. And then it hit me; Curly is a real sound sleeper and was probably just sleeping in. I thought if I just left, he'd be sorry I hadn't woken him. So I tried to think of a way I could get into the house to wake him up. And I thought and I thought and finally it came to me -- I could climb down the chimney.

ATTY FOR WOLF: And so did you?

WOLF: Well, yes and no. That is, I started to, but when I got almost all the way down, suddenly someone took the lid off this cauldron of water boiling down there. Someone who wanted me to fall into the kettle.

ATTY FOR PIG: Objection! The witness is guessing at my client's motives.

JUDGE: I agree. Objection sustained. Continue, Mr. Wolf.

WOLF: Well, lucky for me, the steam was so powerful that it just sort of whooshed me right up and out of the chimney. I took off like all get out and decided Curly Pig was no friend of mine.

ATTY FOR WOLF: Your honor, that is all of our evidence. The Wolf rests.

JUDGE: Very well. We will now hear Curly Pig's side of case.

ATTY FOR PIG: Your honor, as my first witness, I will call Mr. Jack Smith. (Jack Smith, a middle-aged man in his business suit, gets up, comes forward, and raises his right hand to be sworn. Judge administers the oath. Smith sits down.)

ATTY FOR PIG: What is your name?

SMITH: My name is Jack Smith.

ATTY FOR PIG: What is your occupation?

SMITH: I run the J. Smith Building Supply Company.

ATTY FOR PIG: Mr. Smith, are you familiar with the Pig family?

SMITH: Well, I've got quite a few Pigs among my customers. There's Porky Pig. And Higgeldy Piggeldy. And of course, Miss Piggy.

ATTY FOR PIG: Then let me be more specific. Are you familiar the Three Little Pigs -- Larry, Moe and Curly?

SMITH: Ah yes. Now there's a sad story for you.

ATTY FOR PIG: Just how is it you came to know the Three Little Pigs then?

SMITH: Well, when their poor mother sent them out into the world to make their own ways, they each came to me for building materials for their houses. The first brother, Larry, came to me and asked for a bundle of straw to build a house. I told him, Kid this isn't going to give you the tightest security, but he insisted on straw, and so I sold him a bundle.

ATTY FOR PIG: Do you know if that house ever got built?

SMITH: Oh, it got built all right. But it didn't last long.

ATTY FOR PIG: Just what do you mean by that?

SMITH: Well, right after he got it built -- I think it was the day after that nice little house-warming party he had -- that old wolf over there (points at plaintiff) -- he's always up to no good. Why it wasn't a week before that that he was over on the other side of the forest making trouble for Little Red Riding Hood and her poor Granny.

ATTY FOR WOLF: Objection! This testimony about Little Red Riding Hood is completely irrelevant to the case at hand.

JUDGE: Objection sustained. Mr. Wolf's attorney is correct. Proceed, Mr. Smith, but try to stay on track.

SMITH: Harumph. Well, the wolf came over to the Little Pig's house and said, "Little

Pig! Little Pig! Let me come in! And the pig said, "Oh no, by the hair on my chinny chin chin." So the wolf got mad and said, "Then I'll huff and I'll puff and I'll blow your house in." So he huffed and he puffed and down came the house and he ate up the little pig.

JUDGE: Did I hear you correctly, Mr. Smith? Did you say he ate the pig up?

SMITH: Yes indeed, your honor. We're talking major pork-o-cide.

ATTY FOR WOLF: Objection! I don't think we need that kind of uncalled for character assassination from the witness.

JUDGE: Sustained. Mr. Wolf's attorney is correct.

ATTY FOR PIG: Mr. Smith, did you not also sell-building materials to Curly Pig's other brother, Moe?

SMITH: Sure did. He wanted to build with sticks. I tried to talk him out of it. I said, you know, kiddo, you're going to have a lot of draft problems with a twig house, not to mention wolf problems. But he was set on a twig cabin, and so I sold him a load.

ATTY FOR PIG: And can you tell the court the present state of that house?

SMITH: I guess you'd call its present state gone. Pretty much as soon as Moe had that cabin finished, old B.B. -- notice how he didn't want to mention that that middle B stands for Bad -- stopped by with his "Little Pig! Little Pig! Let me come in!" routine. And Moe said, "Oh no! By the hair on my chinny chin chin." And the wolf said, "Then I'll huff and I'll puff and I'll blow your house in." And he did just that, and ate up poor little Moe same as he did Larry. At this point, everyone was beginning to get the picture that B.B. didn't have any good intentions toward those Little Pigs. And so I for one was glad when Curly came to me and wanted to build his place out of bricks - - a nice little Colonial was just what he had in mind...

ATTY FOR WOLF: I really must object to this entire line of questioning, your honor. The witness' testimony is pure hearsay. He never actually **saw** any of these things happen.

JUDGE: Sustained. Perhaps, solicitor, you could move to another line of questioning.

ATTY FOR PIG: Actually, your honor, I'm through with this witness. If Mr. Smith could step down, I'd like to call my client, Curly Pig to the stand.

(Curly Pig rises, comes to stand, is sworn in, and sits down.)

ATTY FOR PIG: Please state your name.

PIG: Curly Pig.

ATTY FOR PIG: What is your address, Mr. Pig?

PIG: I live at 283 Sty Lane, just off Mud Avenue.

ATTY FOR PIG: Now, Mr. Pig, are you familiar with the plaintiff in this case, Mr. B.B. Wolf? Are you, as he has testified, a good old pal of Mr. Wolf's?

PIG: Are you kidding? That wolf in sheep's clothing?

WOLF: Now wait a minute. Just because I'm wearing my shear ling suit. Is there some law against that?

PIG: He's just trying to look innocent. But he's not! Let me tell you!

JUDGE: Gentle animals, please. If you don't stop this bickering, I'll have to hold you both in contempt of court. Let's proceed with the questioning.

ATTY FOR PIG: Going back a bit, then, Mr. Pig -- how did you first come to know Mr. Wolf?

PIG: Well, not under the friendliest of circumstances. I started knowing of him when he huffed and puffed and blew in the houses of my brothers, Larry and Moe. I mean talk about excessive! Nobody told this guy breaking and entering doesn't mean breaking the whole house and then entering it.

ATTY FOR PIG: When did you come to know Mr. Wolf personally?

PIG: After he'd done in my brothers, I guess B.B. thought I'd be easy pickings. What he hadn't counted on was that I'd built my house out of bricks. And so when he came over one morning with his cheap "Little Pig! Little Pig! Let me in!" trick, I just told him no way, by the hair of my chinny chin chin, and kept right on watching TV. "Then I'll huff and I'll puff and I'll blow your house in," he said, and I laughed. I just went into the kitchen to make myself a snack. Just a small one. I don't like to make a wolf of myself. Anyway, all the while I was in the kitchen; I could hear him out there huffing and puffing. When I went to bed that night, he was still huffing and puffing, but he wasn't going to get in. I made sure of that when I built that house with bricks.

ATTY FOR PIG: And that was the last you ever saw of Mr. Wolf?

PIG: Are you kidding? That was only the first I saw of him. About a week later, he came by and said -- real sweetly -- "Oh Little Pig, I know where to find the loveliest sweet turnips. He must've known pigs are fools for turnips. Anyway, I asked him where. "Oh," he said, "In Farmer Brown 5 farm. If you're ready tomorrow morning at six, I'll come by for you and we can go there together and get some for our dinner." Boy, that wolf must think I'm dumb. I knew that those turnips were only going to be the side dish in his dinner. And I knew just whom he had in mind for the main course.

ATTY FOR PIG: And so you didn't?

PIG: And so I got up at five, picked my turnips and was back home having turnip stew by the time he came by at six.

ATTY FOR PIG: What was Mr. Wolf's reaction to this?

PIG: Oh, he was fuming all right. But he didn't show it. That wolf is one cool cucumber. He just watched me eating my stew and said, through the window, real sweetly, "Oh Little Pig, I know where you can get the juiciest red apples. I know where there is a tree just full of them." Being a curious fellow, I asked him where "Oh, in Farmer Green's garden. If you're ready at five o'clock tomorrow morning, I'll take you there." I said fine. Of course, the next morning, I was up and off to Farmer Green's garden at four.

ATTY FOR PIG: And back home eating apple pie at five?

PIG: Nope. Old Wolfie is pretty smart. He had me figured out by then. So he got up at four, too. I had just finished my picking and was about to come down out of the tree with a big bag of red apples when I looked down and saw old B.B. looking up at me, grinning with those rather largish choppers of his.

ATTY FOR PIG: So what did you do?

PIG: Well, I tried to do some fast thinking. He said, "Good morning Curly. My, but you're up early. How are the apples?" A real cool cucumber, like I told you. But I can be cool, too. I said, "They're delicious, wait a moment and I'll throw one down to you." And I threw it so far that I was practically home by the time he found it.

ATTY FOR PIG: And that was the last time you saw Mr. Wolf before August 10.

PIG: Oh no. He came by one morning later that week. This time he had a new trick. "How would you like to go to the fair, Curly?" he asked me. I said sure, just to see what he had up his sleeve. "Well then," he said, "be ready at three this afternoon and I'll come by for you." Well, I went to the fair by myself around noon and was on my way back with a butter churn I'd bought when who did I see coming up the hill toward me but old Wolfie himself.

ATTY FOR PIG: What happened then?

PIG: I got inside the churn to hide. But I tipped it over getting in and it started rolling down the hill with me inside it. I guess the strange sight of a churn on the loose like that scared the living daylights out of him. At any rate, he took off like a shot. The next day, he came to my house and told me he was sorry he had missed me the day before, but that just as he was coming for me, something strange had come rolling down the hill and frightened him so much that he had run straight home. Well, I had to laugh and tell him that what had frightened the big bad wolf so much was just I rolling down the hill in a butter churn. I think it might've been right about then that he decided to eat me up.

ATTY FOR PIG: How did you know this?

PIG: Well, I didn't know it, but he had this look in his eye -- a nasty glint -- and then he started climbing up the side of the house. At first I couldn't imagine what he was doing, and then it came to me -- the chimney! And so I rushed to the fireplace -- I already had a big pot of water on the boil for my tea -- and took the lid off. I only wanted to warn him off. How was I to know he was already climbing down the chimney?

ATTY FOR PIG: Thank you, Mr. Pig. That's all the questions I have.

ATTY FOR WOLF: I'd like to cross-examine the witness if I may. (He steps forward to witness stand.) Mr. Pig, I've been listening to this account of your dealings with Mr. Wolf, and it seems to me that you were doing an awful lot of teasing and baiting of my client. Wouldn't you say that's true?

PIG: Well, maybe I was having a little fun with the old boy, but seeing as he was trying to eat me, that doesn't seem like such a great crime, does it?

ATTY FOR WOLF: I'll ask the questions here, if you please. What about the reports that the cookbook next to your fireplace was found open to the recipe for Poached Wolf? Is this true?

PIG: Yes, but it's not how it seems. I had it open to Warm Apple Pie. I was going to bake one with my extra apples. But then, when I took that lid off that cauldron, I guess that shot of steam must've flipped a few pages forward to Wolf, Poached.

ATTY FOR WOLF: You expect the court to believe that?

PIG: Well, it's the truth, by the hair on my chinny chin chin.

ATTY FOR WOLF: All right, Mr. Pig. Thank you. You may step down. (Pig steps down.)

JUDGE: Are there any summaries?

ATTY FOR WOLF: Your honor, we have shown that Mr. Pig did, on several occasions, taunt and tease Mr. Wolf, that he did lift the lid on the cauldron just as Mr. Wolf was coming down the chimney to pay him a visit, and that his cookbook and let the fact speak for itself -- was open to the recipe for Poached Wolf. I'm sure the jury agrees that he was attempting to do harm to Mr. Wolf.

ATTY FOR PIG: Your honor, we have shown that Mr. Wolf had it in for the Pig family. Clearly, he was up to no good any of the times he came over to Curly Pig's house. Mr. Pig is a law-abiding citizen who was minding his own business when Mr. Wolf began harassing him. If he teased Wolf, well, he 'certainly was egged on to it. I'm sure the jury will agree that his lifting the lid off the kettle and his cookbook opening to the wolf recipe just as Mr. Wolf came down the chimney were mere coincidences. He did not mean any real harm to come to Mr. Wolf.

JUDGE: Thank you. Does that conclude the evidence?

ATTORNEYS: (both) Yes it does.

(Judge turns to jury.)

JUDGE: You now have heard the evidence. Now it is your job to decide whether Mr. Pig was trying to poach Mr. Wolf. Will you please go with the Bailiff to the jury room and after you have decided, would you please come back and inform the Court whether Curly Pig was trying to do in Mr. B.B. Wolf by lifting the lid off the cauldron of boiling water just as Mr. Wolf was coming down his chimney?

(Bailiff takes the jurors to the jury room. After a while, jurors come back with a verdict.)

JUDGE: Have you reached a verdict?

JUROR: Yes, we have, your honor.

JUDGE: What is the verdict?

JUROR: The jury has voted and has determined that . . .

MOCK TRIAL SCRIPT

The Case of Mary's Missing Lunch

Mary Peabody, Plaintiff

vs

Virgil Goodman, Defendant

Developed by:
Kathryn and Steven Tillery
Belleville, Illinois

Approx Time Required:

2 hours

Participants in Trial:

Judge Johnson

Bailiff

Court Reporter

Plaintiff - Mary Peabody

Plaintiff's Lawyer

Defendant - Virgil Goodman

Defendant's Lawyer

Witness 1 - Miss Leigh Laughlin, Third Grade Teacher

Witness 2 - Molly Murphy

Witness 3 - Harry Hart

Witness 4 - Ralph Jones

Jury - 12 classmates or use the rest of the class with one designated as the Jury Leader.

Props:

Yellow lunch box, an empty Capri-Sun Punch carton, 3 tables and 7 chairs

The Case of Mary's Missing Lunch

BAILIFF: This honorable court of the Nineteenth Judicial Circuit with the Honorable Judge Johnson is now in session. All rise.

JUDGE: Ladies and gentlemen of the jury, this case involves the disappearance of Mary's lunch from her lunch box. In this case, Mary Peabody, who is a third grader at _____ School is the plaintiff and Virgil Goodman who is also a third grader at _____ School is the defendant. Mary Peabody is asking you to decide whether or not Virgil Goodman stole her lunch from her lunch box, leaving only a banana peel and a few crumbs. Miss Peabody's lawyer, do you wish to make an opening statement?

PLAINTIFF'S
LAWYER: The evidence in this case will prove that on Friday, April 19, Virgil Goodman took my client's yellow lunch box from the classroom basket while taking the basket from the third grade classroom to the cafeteria. When Mary Peabody opened her lunch box in the cafeteria, her peanut butter sandwich, her bag of potato chips and her Capri-Sun Punch drink were missing. The only thing left in the lunch box were a few crumbs and a banana peel.

DEFENDANT'S
LAWYER: Ladies and gentlemen of the jury, my client, Virgil Goodman, has been wrongly accused of stealing Mary Peabody's lunch. He was asked by Miss Laughlin to carry all of the lunch boxes to the cafeteria on April 19. He did carry them down to the cafeteria but did not eat Mary Peabody's lunch.

JUDGE: Plaintiff's lawyer, please call your first witness.

PLAINTIFF'S
LAWYER: I call Mary Peabody to the witness stand.

COURT
REPORTER: Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help (to the witness) you God?

MARY PEABODY: Yes

PLAINTIFF'S
LAWYER: Please state your name.

MARY PEABODY: Mary Peabody.

PLAINTIFF'S
LAWYER: Where do you go to school?

MARY PEABODY: I'm a third grader at _____ School.

PLAINTIFF'S
LAWYER: Could you describe the lunch that you brought to school on April 19.

MARY PEABODY: I brought a banana, a Capri-Sun Punch drink, potato chips and a peanut butter sandwich in my yellow lunch box.

PLAINTIFF'S
LAWYER: What was in the lunch box when you opened it in the cafeteria?

MARY PEABODY: Some crumbs and a banana peel.

PLAINTIFF'S
LAWYER: Mary, I hand you what is marked as Exhibit #1 and ask if this is your lunch box that you found empty on April 19 in the cafeteria.

MARY PEABODY: Yes, it is.

PLAINTIFF'S
LAWYER: I move that Exhibit #1 be admitted into evidence.

JUDGE: Exhibit #1 is admitted into evidence.

PLAINTIFF'S
LAWYER: That's all, your honor.

JUDGE: Defense Counsel, do you want to cross-examine Miss Peabody?

DEFENDANT'S
LAWYER: Mary, you didn't actually see Virgil Goodman eat your lunch, did you?

MARY PEABODY: No, I guess not.

DEFENDANT'S
LAWYER: No further questions, your honor.

JUDGE: Plaintiff's counsel, you may call your next witness.

PLAINTIFF'S
LAWYER: I call Miss Leigh Laughlin to the stand.

COURT: Raise your right hand. Do you solemnly swear that the testimony you are
REPORTER: about to give is the truth, the whole truth and nothing but the truth, so help
(to the witness) you God?

MISS LAUGHLIN: I do.

PLAINTIFF'S
LAWYER: State your name.

MISS LAUGHLIN: Leigh Laughlin.

PLAINTIFF'S
LAWYER: What is your occupation?

MISS LAUGHLIN: I am a teacher at _____ School, grade three A.

PLAINTIFF'S
LAWYER: On April 19 did you have two students in your class named Mary Peabody
and Virgil Goodman?

MISS LAUGHLIN: Yes.

PLAINTIFF'S
LAWYER: Do you think they are good students?

DEFENDANT'S
LAWYER: Objection! The question is not relevant to the case.

JUDGE: Objection sustained.

PLAINTIFF'S
LAWYER: Did you ask Virgil Goodman to take Mary's lunch box to the cafeteria on April
19?

MISS LAUGHLIN: Yes, along with the rest of the class' lunch boxes. They were all in a basket.

PLAINTIFF'S
LAWYER: About how long was Virgil gone from the classroom?

MISS LAUGHLIN: About five minutes.

PLAINTIFF'S
LAWYER: How far is it to the cafeteria from your classroom?

MISS LAUGHLIN: Down two flights of stairs.

PLAINTIFF'S
LAWYER: When Virgil returned to the class did anything unusual happen?

MISS LAUGHLIN: Yes. He and Joseph Cool started giggling and I had to write their names on the board.

PLAINTIFF'S
LAWYER: I have no further questions, your honor.

JUDGE: Do you wish to cross-examine, defense counsel?

DEFENDANT'S
LAWYER: Yes. Miss Laughlin, you don't know why my client and Joseph Cool were giggling, do you?

MISS LAUGHLIN: No.

DEFENDANT'S
LAWYER: How many other people could have touched Mary's lunch box while it was in the cafeteria?

MISS LAUGHLIN: Oh, I don't know, probably anyone in the kindergarten, first or second grades who all eat before we do.

DEFENDANT'S
LAWYER: Thank you. That's all, your honor.

JUDGE: You may be excused, Miss Laughlin. Next witness.

PLAINTIFF'S
LAWYER: I call Molly Murphy to the stand.

COURT
REPORTER: Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help (to the witness) you God?

MOLLY MURPHY: I do.

PLAINTIFF'S
LAWYER: State your name.

MOLLY MURPHY: Molly Murphy.

PLAINTIFF'S
LAWYER: Do you know Virgil Goodman?

MOLLY MURPHY: Yes, he is in my class.

PLAINTIFF'S
LAWYER: Did you notice anything unusual about him on April 19?

MOLLY MURPHY: I noticed he had peanut butter on his mouth!

PLAINTIFF'S
LAWYER: No further questions.

DEFENDANT'S
LAWYER: Miss Murphy, did you notice this peanut butter on Virgil before or after lunch on April 19?

MOLLY MURPHY: I don't remember.

DEFENDANT'S
LAWYER: I have no further questions.

JUDGE: You may be excused. Any more witnesses?

PLAINTIFF'S
LAWYER: Just one. I call Harry Hart to the stand.

COURT: Raise your right hand. Do you solemnly swear that the testimony you are
REPORTER: about to give is the truth, the whole truth and nothing but the truth, so help
(to the witness) you God?

HARRY HART: I do.

PLAINTIFF'S
LAWYER: State your name.

HARRY HART: Harry Hart.

PLAINTIFF'S
LAWYER: Harry, do you work at _____ School?

HARRY HART: Yes, I am the maintenance man.

PLAINTIFF'S
LAWYER: Did you find anything when you cleaned the boys bathroom on April 19?

HARRY HART: Yes, I found an empty Capri-Sun Punch carton in the trash can.

PLAINTIFF'S
LAWYER: Harry, I hand you what is marked as Exhibit #2 and ask if you can identify
this.

HARRY HART: Yes, this is the empty Capri-Sun Punch carton that I found in the boys trash
on April 19?

PLAINTIFF'S
LAWYER: I move that Exhibit #2 be admitted into evidence.

JUDGE: Exhibit #2 is offered into evidence. Do you want to cross-examine this
witness, defense counsel?

DEFENDANT'S
LAWYER: Yes. Harry, what time did you find the empty carton?

HARRY HART: When I cleaned up after school -- about 4:00 p.m.

DEFENDANT'S
LAWYER: You have no idea who put it there, do you?

HARRY HART: No.

DEFENDANT'S
LAWYER: Nor do you know when it was put there?

HARRY HART: I know it was not there when I cleaned on April 18.

JUDGE: Thank you, you are dismissed.

PLAINTIFF'S
LAWYER: Plaintiff rests her case.

JUDGE: Defense counsel, you may present your case to the jury.

DEFENDANT'S
LAWYER: I call Virgil Goodman to the stand.

COURT: Raise your right hand. Do you solemnly swear that the testimony you are
REPORTER: about to give is the truth, the whole truth and nothing but the truth, so help
(to the witness) you God?

VIRGIL GOODMAN: I do.

DEFENDANT'S
LAWYER: State your name.

VIRGIL GOODMAN: Virgil Goodman.

DEFENDANT'S
LAWYER: Virgil, did you eat a peanut butter sandwich, a banana and potato chips and
drink a Capri-Sun Punch from Mary Peabody's lunch on April 19?

VIRGIL GOODMAN: No.

DEFENDANT'S
LAWYER: Did you get your name on the board that day?

VIRGIL GOODMAN: Yes.

DEFENDANT'S
LAWYER: Why?

VIRGIL GOODMAN: Joseph and I were talking in class.

DEFENDANT'S
LAWYER: What were you talking about?

VIRGIL GOODMAN: I don't remember.

DEFENDANT'S
LAWYER: That's all. I have no further questions.

JUDGE: Plaintiff's counsel, do you have any cross-examination of this witness?

PLAINTIFF'S
LAWYER: No.

JUDGE: Next witness, please.

DEFENDANT'S
LAWYER: I call Ralph Jones.

COURT: Raise your right hand. Do you solemnly swear that the testimony you are
REPORTER: about to give is the truth, the whole truth and nothing but the truth, so help
(to the witness) you God?

RALPH JONES: I do.

DEFENDANT'S
LAWYER: State your name.

RALPH JONES: Ralph Jones.

DEFENDANT'S
LAWYER: Do you know Virgil Goodman?

RALPH JONES: Yes.

DEFENDANT'S
LAWYER: Is he a thief?

PLAINTIFF'S
LAWYER: Objection!

JUDGE: Sustained.

DEFENDANT'S
LAWYER: Did you eat lunch with Virgil on April 19?

RALPH JONES: Yes.

DEFENDANT'S
LAWYER: What did Virgil eat?

RALPH JONES: He had a peanut butter sandwich and some other stuff. He ate his whole lunch and part of mine. He was real hungry!

DEFENDANT'S
LAWYER: No further questions.

JUDGE: You may be dismissed. Any further witnesses?

DEFENDANT'S
LAWYER: No.

PLAINTIFF'S
LAWYER: No.

JUDGE: Plaintiff's counsel, would you care to make a closing argument to the jury?

PLAINTIFF'S
LAWYER: Your honor, ladies and gentlemen of the jury, the evidence you have heard proves that Virgil Goodman had possession of Mary Peabody's lunch box after he left the classroom on the second floor on April 19. The evidence also shows that when Mary opened her lunch box in the cafeteria all that was left were a few crumbs and a banana peel. You heard Molly Murphy saw peanut butter on Virgil's mouth and that Virgil and Joseph Cool were "giggling" about something when he returned from the cafeteria. Don't you think it was about a trick he had played on Mary? You also know that Harry Hart found an empty Capri-Sun Punch carton in the boys bathroom later that day. I ask you to do the right thing and bring back a verdict in favor of Mary Peabody and against Virgil Goodman.

JUDGE: Defense counsel, do you wish to address the jury?

DEFENDANT'S Yes, your honor. Ladies and gentlemen of the jury, Virgil is an innocent guy.

LAWYER: Do you think he could take a basket full of lunch boxes down two flights of stairs, eat all of Mary's lunch, go to the boys bathroom and still get back upstairs in just five minutes? Do you think he could eat Mary's lunch, then eat his own and part of Ralph Jones' lunch too? He might be a hungry boy, but nobody is that hungry! Molly Murphy said he had peanut butter on his mouth but she didn't know if that was before or after he ate his own peanut butter sandwich. Plenty of kids could have eaten Mary's lunch. Remember, Miss Laughlin said all the kindergarten, first and second grade kids eat their lunch in the cafeteria before the third grade does. I ask you to do the right thing and bring back a verdict in favor of Virgil Goodman and against Mary Peabody.

JUDGE: Jurors, you will now retire to the jury room to deliberate. First pick one of you as the leader of your group. When you have reached a verdict, please let the Bailiff know. Bailiff, please take charge of the jury.

Recommendation: - If you choose to pick 12 jurors have them go to the back of the class to deliberate. They can only ask questions of the judge.

- If you choose to use the rest of the class, have the actors wait outside the class during deliberations.

SECTION VII – RULES AND LAWS (DISCUSSION QUESTIONS)

1. What are rules and laws?
2. Where do you have rules and laws?
3. What would the world be like without rules and laws?
4. Who makes our rules and laws?
5. What happens when someone breaks the law?
6. Why do we have trials?
7. What is a jury and what does it do?
8. If you watched a trial, whom would you see in the courtroom?
9. What is juvenile court?
10. If you went to work in the criminal justice profession after you finished high school, what would you like to be and why?

POSSIBLE ANSWERS TO DISCUSSION QUESTIONS FOR RULES AND LAWS

1. Rules and laws are formally recognized customs and practices binding upon a group of people. These rules and laws are established to control the way the groups of people act.
2. Rules and laws exist everywhere. The United States, the State of Illinois, and even the town where you live all have rules and laws. Foreign countries and existing native tribes also have rules and laws.
3. The world without rules and laws would be a confusing place. People would act as they pleased, only looking out for themselves. Crime and violence as we know it would be common because no rules or laws would exist making those actions crimes.
4. Rules and laws are made by people. These people suggest what actions are acceptable by the people and what actions are not acceptable. These decisions take place on national, state, and local levels. Elected Officials make the decisions on what actions are acceptable in society based on the opinions of the people who voted for the elected officials.
5. When someone breaks the law, the police are usually called and an attempt is made to determine who broke the law. When the police catch the person who broke the law, the person is placed under arrest and is often placed in jail to await trial. At trial, the attorney representing the people attempts to prove the person broke the law. If the attorney proves the person guilty of the crime, the person may be sent to prison as punishment for breaking the law.
6. We have trials in order to allow the people, represented by an attorney, and the person accused of breaking the law, the defendant, to present evidence to a judge or jury. Since accused persons are innocent until proven guilty, trials are intended to protect defendants from being wrongfully punished. When presenting evidence, the people try to prove the defendant broke the law and deserves to be punished. However, the defendant tries to present evidence, which shows that the wrong person has been accused or that a reason existed for breaking the law.
7. A jury is a group of individuals from the community in which we live who are asked to listen to a trial and decide whether a defendant is guilty or innocent of breaking the law. A jury decides a case based on the evidence presented and the rules and laws involved in the case.
8. As you observe a trial in progress, you will see the following people:
 - a) judge
 - b) plaintiff
 - c) plaintiff's attorney
 - d) defendant
 - e) defendant's attorney
 - f) court reporter
 - g) court clerk
 - h) deputy sheriff
 - i) witnesses
 - j) jurors, if the trial is a jury trial.
9. Juvenile court is a court especially designed to handle problems with persons under the age of 18. If a person, a child, is having problems at home or in society, the people, represented by an attorney, will try to help the child by bringing the child into court. The help may consist of removing the child from a bad family situation, monitoring the child's future actions in society, or making a finding that the child cannot control his or her future actions. Such a finding called delinquency, sometimes results in the child being placed in a detention facility (another term for jail for juveniles).

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