Revised Second Edition

MIDDLE SCHOOL TEEN COURT MANUAL

Sherralyn A. Bludau

The *Teen Court in the Middle School Manual*, 2nd *Edition*,
is dedicated to
Mansfeld Middle School Teen Court Coordinator,
Kevin Brungardt,
Valencia Middle School Teen Court Coordinator,
Sandra Suarez-Hairgrove,
and their 2007-2008 Teen Court students.

2nd Revised Edition

Middle School Teen Court Manual

An Alternative Discipline Program

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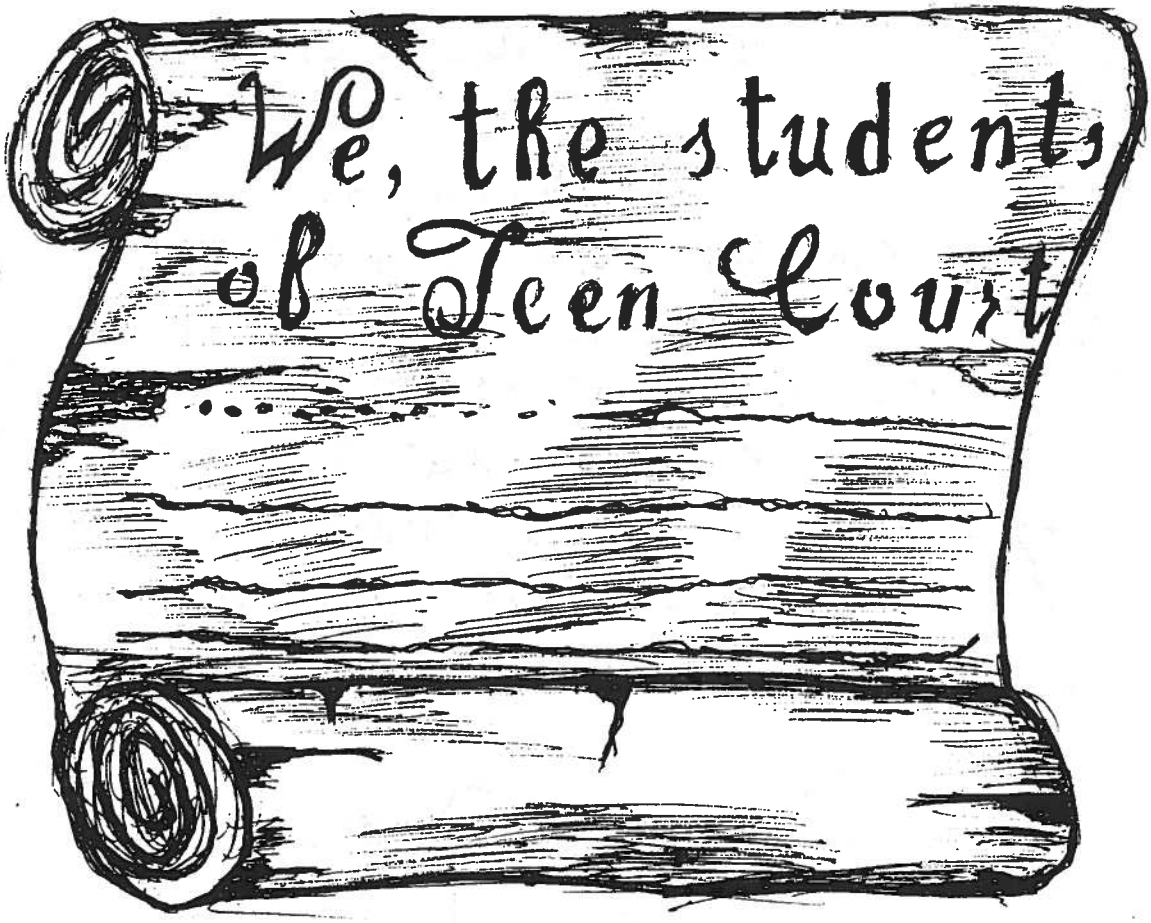


JORGE LUZADILLAS

THE TEEN COURT OATH

I SOLEMNLY AFFIRM
THAT I WILL GIVE CAREFUL ATTENTION
TO ALL PROCEEDINGS
WHICH ARE TO TAKE PLACE IN MY PRESENCE,
AND WILL NOT DIVULGE TO ANYONE
ANY INFORMATION
WHICH COMES TO MY KNOWLEDGE
AS A RESULT OF THESE TEEN COURT HEARINGS.

Middle School Teen Court Manual
Table of Contents

Why a Teen Court Manual?

There are as many ways to operate a school Teen Court Program as there are schools. The Court Sessions can be held before, during, or after school with the establishment of a student organization trained in Court Procedures and the specific skills needed to carry out the duties of Court Officials.

Another approach to a School Teen Court is to embed the Court in a law-related education course such as Street Law.

There is a dual purpose for the writing of this manual:

1. To explain how to run a teen court as an alternative discipline program in a school community,
2. To offer an example of an academic approach to the establishment of a Teen Court program as:
    a. a component of a law-related education curriculum,
    b. the application of explicit academic writing instruction, thinking and reading comprehension strategies.

Can This Manual Be Adapted to High School?

The answer is yes. In fact, most County Teen Courts are facilitated by both middle and high school students.

History of the Program

TUSD's Peer Justice Middle School Teen Courts integrate the concept of restorative justice with the Odessa Teen Court Model.

The Odessa Teen Court model, a Hearing process, does not determine guilt or innocence of students who commit school infractions. The offenders, Minors, must admit committing the

infraction to a Jury of peers and complete the restorative consequences handed down by the jury. The only witness in this Teen Court Model is the Minor.

Restorative Justice, as explained by Howard Zehr in his book, *The Little Book about Restorative Justice*, ". . .is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible."

He further explains the goals of a justice program that is restorative are:

1. to include all parties most impacted by the incident
2. to focus on making justice a healing process
3. to reduce recidivism

These goals require:

victims are involved either directly or indirectly in the process,

offenders understand the harm their actions created and take responsibility for them,

harms are repaired as well as can be, and

victim and offender are both reintegrated into the community.

The incorporation of restorative justice in a School Teen Court system offers students and the educational community an alternative view of wrongdoings. Instead of looking at the rules broken, the focus is on the harms caused by infractions. The Court structure provides roles for the student to actively participate in a process with a focus on restoring justice.

School Teen Court Philosophy

School Teen Courts, as an alternative discipline program, offer a structure for youth, as representatives of their community, and help individuals, who break the groups' rules, accept responsibility for their actions. The offenders of school rules, Minors, must be active participants throughout the Teen Court process. Ideally, these students will learn that the quality of their life depends upon the decisions they alone make: living within the law or breaking it, getting a good education or not graduating, having a successful future or failing to find suitable employment. The choices are theirs to make – one at a time.

Courtroom decorum is expected in all proceedings. It is a privilege to participate in an arena that not only teaches about the nation's government, but also promotes people helping people and making a difference. Confidentiality, objectivity, respect for the rights of others, making a positive contribution to society, living within the law, acting responsibility, and understanding the justice system are all fundamental Teen Court principles. Participation in the Teen Court program offers a feeling of satisfaction that comes when a person does something meaningful with his/her time and talents. Gains include: stronger self-confidence, more understanding on how to accept responsibility for one's own actions, team building practice, negotiating skill development, consensus building behavior, promotion of civic responsibility through the understanding of the justice system, and a positive peer association.

The Teen Court program is based on the concept that when young offenders accept responsibility for their actions, they are more likely to not repeat the offense. It offers a process for youths to:

1. explain their involvement in an offense;

2. have a jury of peers evaluate their words and actions; and
3. accept responsibility for their actions by fulfilling a sentence designed to be constructive and rehabilitative.

Juries for School Teen Courts have included all grade levels of students randomly selected from a Jury Pool. In contrast to other Courts, any student offender who appears before Teen Court is required to serve as a Juror in a future Teen Court case. This offers the opportunity for a youth who made a mistake to repay his/her debt to the community and become a contributing part of the community.

Restorative Justice

Restorative justice programs began to emerge in the 1970's although the concept has existed for as long as man has collaborated to solve problems and make decisions. The core principle of all restorative justice programs has been to address wrongdoings with a focus on harms resulting from offenses instead of the actual offenses. The focus on harms offers the opportunity for justice to be reparative and thus restorative in the re-establishment of balance to communities.

Restorative justice is based on the idea that people are connected; so whatever happens to one will have an impact, in some way, on all. This interconnectedness requires communication for people to grow individually and as a society. Communication is the foundation for people to move from John Locke's **state of nature** to an environment that supports a **social contract** such as the United States' social contract - the Constitution.

The maintenance of balance between individual rights and public safety is a challenge of the United States' dual court system. Unfortunately, the element of individuals communicating directly with each other has been largely eliminated from court procedures. The court system has evolved into a process that decides who needs to be punished and for what specific reason (offense). Rarely is any attention given to help the victim and the offender to repair the harm caused by an offense. Mr. Zehr, author of *The Little Book on Restorative Justice*, says:

> ...the adversarial court system that exists in the west maybe more effective for the most egregious acts against society. However, for the vast majority of offenses, a constructive approach with communication between the offenders and victims is more restorative of societal balance.

Conversations offer the opportunity to extrapolate healing and learning from negative consequences caused by offenses.

Mr. Zehr believes there are six key questions to analyze the extent a program is restorative. They are:

1. Does the model address harms, needs, and causes?
2. Is it adequately victim-oriented?
3. Are offenders encouraged to take responsibility?
4. Are all relevant stakeholders involved?
5. Is there an opportunity for dialogue and participatory decision-making?
6. Is the model respectful to all parties?

Most experts in the field believe there is a continuum of restorative practices from fully restorative to pseudo-non restorative.

Embedding restorative justice in a School Teen Court format is not a fully restorative practice as can be ascertained through answering the aforementioned questions. The Teen Court model does not directly include the victim. Incorporating a Victim Impact Statement (VIS) as evidence to be referred to during the questioning of the offender includes the victim indirectly. The information gathered from a VIS is essential for gaining a better understanding of the harms caused by the infraction. By having the Minor testify about the VIS, two issues will be addressed. First, the victim's feelings about the infraction and possible recommended consequences will be part of the Minor's testimony and therefore information the jury can consider. Second, the questioning process should increase the Minor's awareness of the effect of his/her actions on the victim. However, it is important to remember - the victim needs be able to choose whether he/she would like to participate in the process.

The impact of an infraction is not limited to the effect it has on individual victims. In fact, students often commit school

infractions in which there is no direct victim. The community then becomes the victim. In these cases, members of the community should have the opportunity to state the impact of the Minor's actions on them through a Community Impact Statement (CIS). The Minor needs to recognize the harms he/she caused and think about what can be done to repair the relationships to the community, victim, and self. This understanding begins the process of repairing broken relationships and building new ones.

The Jury needs to hear the Minor's understanding of the effects of his/her behavior (Godwin, Heward, and Spina, 2000) and, what, if anything, the offender has done to make amends for his/her behavior. A focus on harms and the inclusion of victim and community input will enable jurors to fit consequences to the Minor's unique circumstances and needs, as well as those of the Minor's family, victim, and the community.

Students participating in the School Teen Court are exposed to a new way of thinking about justice, and fairness. The restorative justice concept can increase the educational experience Teen Courts provide by raising the students' awareness of the effects of infractions and facilitating the development of their empathy toward others. (Adapted from Godwin, 2001).

Changing the perspective on how to view an offense can move the justice system from a "case driven response to crime to a facilitative role focused on problem solving and community capacity-building." (Esther Mosak, 2006)

The following is a comparison of restorative justice principles and the traditional Teen Court approaches to justice. (Godwin, 2001)

Restorative Justice	Traditional Justice
Focus on harm	Focus on law-breaking
Focus on repairs	Focus on punishment
Emphasis in hearings includes an increased focus on dialogue and understanding	Emphasis in hearings focused on testimony, procedure, evidence
Options for victim involvement vary and respect victims' choice	Options for victim involvement are limited
Service options for Minors are varied, relative to strengths, and benefit the community	Service options for Minors are limited and focus on completion of tasks
Sentences are individualized, based on guidelines that incorporate the desires of the victim(s), the needs and abilities of the Minor (s), and the needs of the community	Sentences are related solely to the nature of the offense
Outcomes strengthen the relationship between Minors and the community	Outcomes may further separate Minors from the community
Teen Court training includes broader issues related to conflict resolution, problem-solving skills, and community involvement,	Training of Teen Court participants is focused on Teen Court operations and courtroom procedures.
(personal communication, J. Moeser, January 15, 2001)	

Godwin stresses that in a Teen Court system with a focus on restorative justice the emphasis on victims' roles is ***choice***, while for offenders it is on ***change***. Additionally, Goodwin believes communities must offer opportunities for Minors to be held accountable for their actions, while at the same time giving them the chance to connect and contribute to their communities and establish or rebuild broken relationships.

There are three basic elements of restorative justice. They are: harms and needs, obligations, and engagement. (Zehr, 2002)

- **Harms and needs** refer to the victim-oriented approach to justice. The first concern is to the victim – the harm experienced and the need to repair the harm. Concern for the offender and community is important to the restoration of the community's balance.

- The offender is **obligated** to take responsibility for his/her actions. This requires the offender to understand the harms as well as to be held accountable for repairing those harms. Community members are obligated to examine the role they may have played in the offense.

- The stakeholders most affected by an offense - the victim, the offender and members of the community must be **engaged** or play a part in the process of repairing the harms for the restored balance to be sustainable.

A Teen Court practicing restorative justice offers a process that involves stakeholders in an active and respectful way and emphasizes the community's role in problem solving (Zehr, 1990; Pranis, 1998; Bazemore, et. al., 1997). There is no single "right way" to implement the restorative justice concept. How the principles are implemented will vary based on local resources, traditions, and cultures.

This overview of Teen Courts incorporation of the restorative justice concept was compiled from three major sources. For further information on restorative justice read the following:
Howard Zehr's, *The Little Book on Restorative Justice,* 2002;
Tracy Godwin's article, *The Role of Restorative Justice in Teen Courts: A Preliminary Look,* 2001; and
Esther Mosak's article, *Sentencing Alternatives for Youth Courts: The Restorative Justice Approach,* 2006.

Program Evaluation

The purpose of evaluating a schools' Peer Justice Programs is to examine feedback in the determination of the course's effectiveness in reaching its goals and objectives. The results will guide program improvements. There are some key questions which require consideration while evaluating a Teen Court Program:

- To what extent were the goals and objectives met?

- How effective was the program design?
  - Did the effort exerted relate positively to the results?
  - Did the time required relate positively to the results of the program?
  - Can the program be run more effectively?
  - Did the school community recognize the authority of the Court?

- To what extent did the students directly involved and the other students in the community learn about the legal system?

- To what extent did the students directly involved in the law-related education course improve in their ability to hold in-depth discussions on the legal system?

- To what extent did the students directly involved and the other students in the community learn about restorative justice?

- To what extent did the students directly involved in the law-related education course improve in their academic writing skills?

- To what extent did the students directly involved in the law-related education course improve in their reading comprehension?

- How can the program be improved?

Specific research questions related to the School's Teen Court programs may include:

- The percentage of students offered/accepted the School's Teen Court program

- Rate of attendance at Mandatory Basic Training with parent/guardian

- The percentage of students completing their restorative consequences

- The reduction of recidivism by the Minors

- The percentage of restorative consequences relative to addressing the harms created by the Minor's infraction

- The level of confidentiality maintained by students directly involved and the other students in the community

- The percentage of mentoring relationships established between the Minors and adults of the community by the Teen Court Adult Mentor

- The impact of the Court's caseload on the assistant principal's referrals

- The impact of the Court work on the school climate

It is recommended that all stakeholders in a school community participate in an assessment such as the following before setting up a Teen Court program.

Assessment for the Establishment of a Teen Court at Your School

Teen Court is a Hearing process that determines the constructive consequences for students who commit school infractions. Offenders (Minors) eligible for Teen Court must agree:

to admit their guilt in the school court, and

to complete the requirements of consequences handed down by a jury of their peers.

1. Should the Court be established as a class or an extracurricular activity? _____

2. Who will teach the class or coordinate the activity?

_____

3. If Teen Court is a class, what type of credit should the students receive – social studies, elective credit? _____

4. How will the students be recruited for either Teen Court as a class or as an extracurricular activity? _____

_____

5. What student infractions should be referred to the Court? ____

_____

6. Will teachers refer students directly to Teen Court or will it be the responsibility of the school administration? _____

_____

7. Should the Minor receive any incentives for choosing the Peer Court alternative to school discipline? _____

_____

8. Do you believe reparative consequences can impact a student to not commit the infraction again? _____

9. Should the Jury Pool consist of all students enrolled at the school? _____

10. Should a parent be required to attend his/her child's hearing?

_____

11. What benefits do you think a Peer Justice Program can offer the school community? _____

_____

12. What expectations do you have for a Teen Court Program?

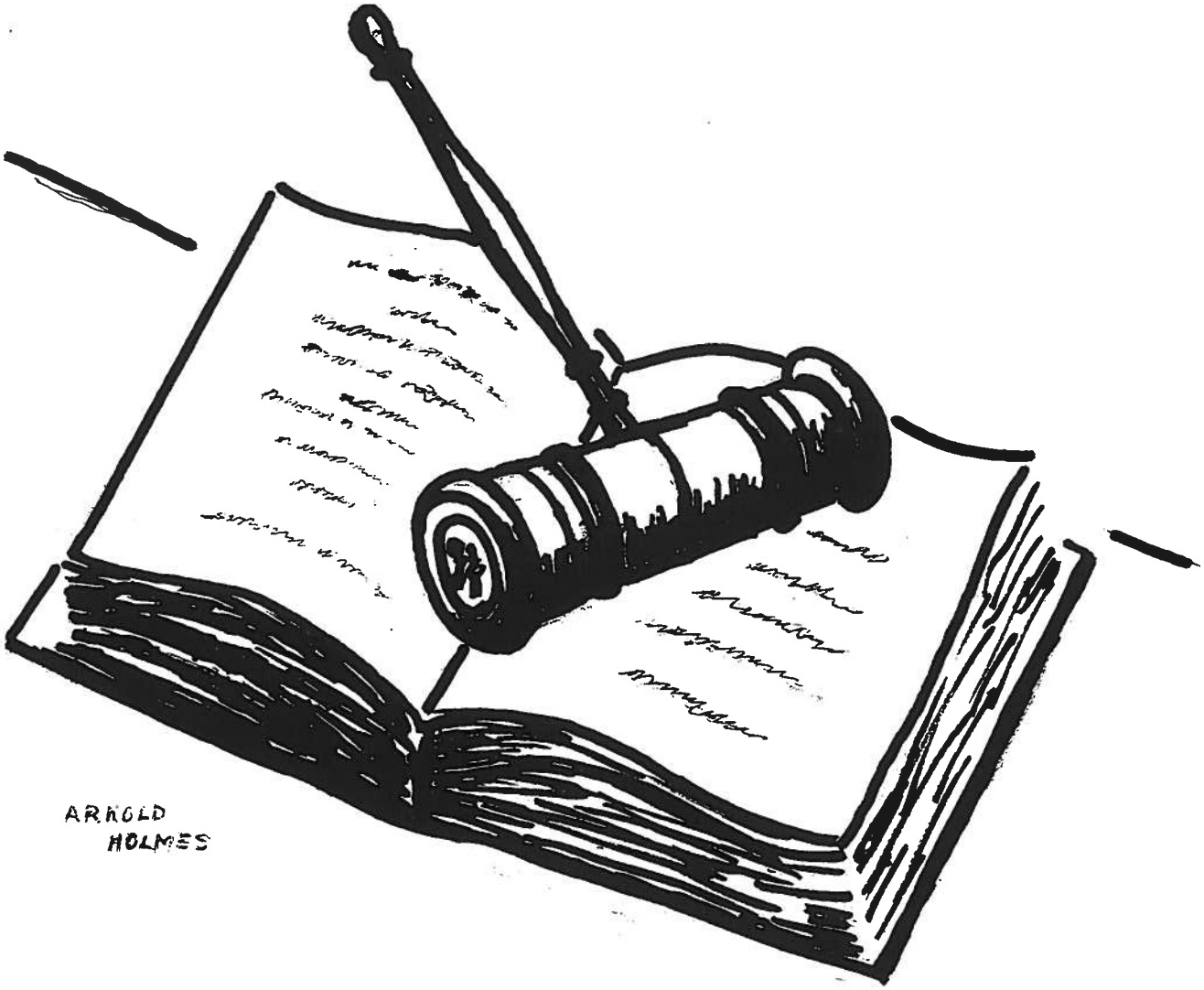
_____

_____

_____

_____

THE ABC'S OF TEEN COURT



School Teen Courts

School Teen Courts usually follow one of four models:

- the Adult Judge,
- the Student Judge,
- the Student Tribunal, and
- Peer Jury (adapted from Godwin, 1998).

The Tucson Unified School District's Peer Justice Program uses the Adult Judge Model. Students in a year long law-related education class serve in the roles needed to facilitate a Courtroom: Attorneys, Clerk, and Bailiffs. The Jurors are selected from a Jury Pool inclusive of the entire student body. An adult serves as the Judge.

The Student Judge Model has a similar structure as the Adult Judge Model, but a student serves in the role of Judge. The Jury generally consists of students from the class operating the Court.

The Student Tribunal Model is different in structure. The case is presented by student Attorneys to a Judge or group of Judges. The Judge(s) award the consequences. There are no student Jurors.

The Peer Jury Model, also know as the Peer Justice Panel, does not include Attorneys. The offender presents his/her case directly to a panel of students. The Panel questions the Minor, deliberates and delivers the consequences. In this model, the structure usually includes a Clerk, student panelists and a Moderator of the Panel. A description of a Peer Justice Panel is included in this Manual.

Suggested Time Line
For
Establishment of a School Teen Court

The Constitution, based on John Locke's concept of a social contract, was a creation of the people, by the people, and for the people of the United States. Students need to study the concepts of *natural rights*, *social contract*, *the power of authority*, and *restorative justice* prior to the establishment of their Court System. This both informs and empowers them in their quest to help the community through a Court Hearing structure. Explicit instructions in writing/thinking are embedded in the curriculum. Examples included in the curriculum portion of this manual.

Teacher Preparations

Prior to establishment of the Teen Court (TC) System

1. Read *The Little Book of Restorative Justice*
2. Application of the restorative justice concept must be agreed upon and understood by the school administration and TC Facilitator.
3. The school's discipline procedures must incorporate in the TC program in a manner agreed upon by the school administration and TC Facilitator.
4. A Jury Pool System must be established and agreed upon by school staff. (An example of a system can be found under Jury Procedures located in this manual.)
5. Paperwork and data collection systems must be designed for Court Proceedings. (Possible forms included in this manual.)
6. Gain an understanding of the persuasive writing mode (Academic Writing) and gather exemplar examples.
7. Plan the School TC unit via a structure such as *Understand by Design* to assure inclusion of:

a. Benchmarks (quarterly assessments), goals, assessment tools, and
b. A systematic approach for proficiency/advanced level achievement in the basic skills demanded for the program.

Week One

Law Concepts and Explicit Instruction of Academic Writing

1. Foundations of the Court System
    a. **Natural law, state of nature, social contract**, and **power versus authority**
    b. Basis of the School's TC authority
2. Academic Writing
    a. Structure
    b. Thesis statement
    c. Exemplar samples of Academic Writing to analyze

Week Two

Review *Authority*, and Continue Explicit Academic Writing Instruction and Introduction of Restorative Justice Concepts

1. Restorative Justice - Basic Concepts
    a. Harms and needs
    b. Obligations
    c. Engagement
2. Academic Writing
    a. RAP, a paraphrasing strategy
    b. Relationship of RAP and thesis statement

Week Three

Continued Explicit Academic Writing Instruction, Restorative Justice and Introduction of Thinking Strategies

1. Restorative Justice
    a. Philosophy
    b. Restorative continuum
2. Academic Writing

a. Concepts of **evidence** and **inference**
b. Expanded thesis statements

3. Thinking Strategies
    a. What Makes You Say That?
    b. Claim/Support/Question

Teacher Preparations

Prior to Week Four and Five

1. Create the *official forms* to document the proceedings.
2. Create *mock cases* to be used for both Academic Writing development and application of Restorative Justice concepts.
3. Create *Fast Fives* for practice of previously introduced writing skills, and concepts of Restorative Justice and law.

Weeks Four and Five

Focus on Training of the TC Personnel and Integrate Academic Writing and Thinking Strategies in the Instruction

1. Present overview of the Court Structure and Protocols.
2. Train the students to operate the Court. (Examples of documents for use in training located in the manual.)
    a. Instruction implementation in total class/small groups
    b. Attorney Training
        i. Defense Attorneys – stress Minor advocacy
        ii. Prosecution Attorneys – stress school advocacy
    c. Court officials other than attorneys
3. TC practice
    a. Mock Hearings
    b. Rehearsal of Court Officials specific routines
4. Academic Writing
    a. Relate thesis statement and theory of the case
    b. Relate evidence to the facts of the case
    c. Relate inferences to mitigating/aggravating circumstances

5. Embed Thinking Strategies previously introduced in the instruction.

Week Six and Seven

Review for *Bar Exam* and Apply New Thinking Strategy for the Development of Restorative Consequences

1. TC Training – Review for the Bar
2. Thinking Strategies – Introduce: Options Explosions!

Teacher Preparations

Prior to Week 8

1. Meet with Adult Mentor to establish the School Jury Pool System and Minors' parents/guardians phone call format.
2. Plan the Bar Ceremony.
3. Meet with school counselor and school administration to confirm their roles in the TC System.
4. Show Jury Duty video to school's student population to introduce Jury Duty responsibilities.

Week 8

Finalize the Components of the TC Process that function outside the actual Hearing and Practice the Court Protocols/Case Preparations. Administer the *Bar Exam*.

Week 9

Bar Ceremony and Preparations for the First Case

1. The Bar Ceremony – Administering the *Attorney Oath* and the *Teen Court Oath of Confidentiality*
2. Preparations for the First Case
    a. Administrator refers student who committed an infraction to the Adult Mentor
    b. Adult Mentor:
        i. Interviews Minor
        ii. Consults with the Minor's parents by phone

iii. Assigns case docket number and date

c. TC Coordinator:
   i. Posts Attorneys and Court Officials assigned to case
   ii. Assists in Case Preparation

d. Court Clerk
   i. Works with Adult Mentor in the selection of Jurors from the Jury Pool.
   ii. Writes and delivers *Summons*.

e. Attorneys
   i. Conducts interviews and studies evidence
   ii. Prepares case

Week 10

Teen Court in Session

1. Hearing
   a. TC Coordinator supervises Court Proceedings.
   b. Adult Mentor
      i. Trains Jury and obtains *Oath of Confidentiality* signatures prior to hearing
      ii. Monitors Jury Deliberations
2. Post Hearing
   a. Adult Mentor
      i. Supervises Minor restorative consequences work
      ii. Meets with the Minor minimum of once a week or assigns another adult from the school community to mentor the Minor until year's end
   b. School Counselor
      i. Debriefs Minor on the Hearing experience
      ii. Signs the Minor's completion of consequences, and informs the school administration

Teen Court Terminology

advocate	To speak in favor of; one who supports or defends a cause; one who pleads on another's behalf
aggravating circumstances	Any situation to do with an infraction that increases the seriousness of the harm to self, victim and community beyond the basic infraction itself
apology	A written or oral expression of regret and acknowledgement of the harm done to the victim by the Minor (defendant)
Court Bailiff	Officer in a court responsible for maintaining order in the courtroom
closing arguments	An attorney's remarks to the jury to persuade them to follow the attorney's recommendation on the consequence (disposition) as supported by the evidence
confidentiality	The requirement not to reveal information
constructive consequence	Disposition or sentence imposed on a Minor (defendant) because of an infraction or problem behavior
contradict	To express or assert the opposite of a statement; to deny the statement
court	The building or room in which cases are heard and decided; the regular session of a judicial assembly

Court Clerk	Officer of Court who files evidence and keeps records of court proceedings
cross-examination	Questions asked of a witness by opposing counsel that is designed to strengthen their case or expose the weakness and inconsistencies of the other side's presentation
defense	Something that protects; an argument in support of justification
Defense Attorney	Lawyer responsible for representing the Minor
deliberation	The act of considering the evidence with the purpose of reaching an agreement on a consequence (disposition)
demeanor	The way a person presents her or himself; their conduct or mood
direct examination	Open-ended questions asked to get a witness to report relevant information to a jury; asked by the attorney who called the witness
disposition	The consequence imposed on the Minor (Defendant) requiring specific actions
docket	A list of cases to be heard in court
extenuating circumstances	Any situation to do with an infraction that lessens the seriousness of the harm to self, victim and community beyond the basic infraction itself
ethics	A system of moral principals and values; an established code of conduct

evidence	The testimony, written statements and reports, and physical items introduced into a case on which a judgment may be based
grounds	The foundation or basis on which a theory or action rests; motive; reason
Hearing	An opportunity to present testimony and arguments for a jury to decide what actions the Minor must complete to repair the harm to self, victim and community
hypothetical	To suppose; something considered to be true for the purpose of argument
impeach	To challenge or discredit
Impact Statement	A written document from a victim and/or member of the community describing the harm caused by an infraction or behavior that can be submitted as evidence in a Hearing
imply	To suggest by logical necessity; to express indirectly
inadmissible	Objectionable
infraction	A violation of the school rules
investigation	Gathering evidence for a hearing by reading over referrals, Impact Statements, and interviewing the Minor (defendant)
irrelevant	Having no applications or effects in specified circumstances
judge	An official authorized to manage the court process and procedures, to hear cases, and decide cases

	(tribunals) brought before a court of law
jury	A body of persons sworn to listen to evidence presented at a hearing and decide upon a consequence for the Minor (defendant)
Jury Bailiff	The person who is in charge of the jury; administers the Oath of Confidentiality and escorts the members of the jury
Jury Foreperson	Individual selected by fellow Jurors, who ensures that each juror has a chance to fully and fairly participate and acts as spokesperson for the Jury in dealing with the Judge
Minor	The defendant or respondent
mitigating circumstances	Does not offer a justification or excuse of the infraction in question, but which, in fairness and mercy, lessens the guilt
oath	A declaration to keep a promise
objection	A ground or cause for disagreement
overrule	To disallow the argument
Prosecuting Attorney	Lawyer responsible to represent the victim and school community
opening statements	An attorney's introduction of his/her case to the court
restitution	An attempt to repay, restore, or repair harm to the victim through money or services
restorative justice	A response to infractions that provides opportunities for those

	most directly affected by the infraction – the victim, the offender, their families, and representatives of the community – to be directly involved in responding to the harm caused by the infraction
summons	To call, as with authority, to some duty or task
sustain	Be in support of
testimony	The information given by the Minor under oath
victim	A person who is affected due to an act by another
Victim Impact Statement	a written statement which allows a victim, of an infraction, the opportunity to the share with the court the harms experienced from the infraction and consequences that would repair the harms
voir dire	"To speak the truth!" The preliminary questioning of a juror to determine his/her fitness to serve

Attorney Training

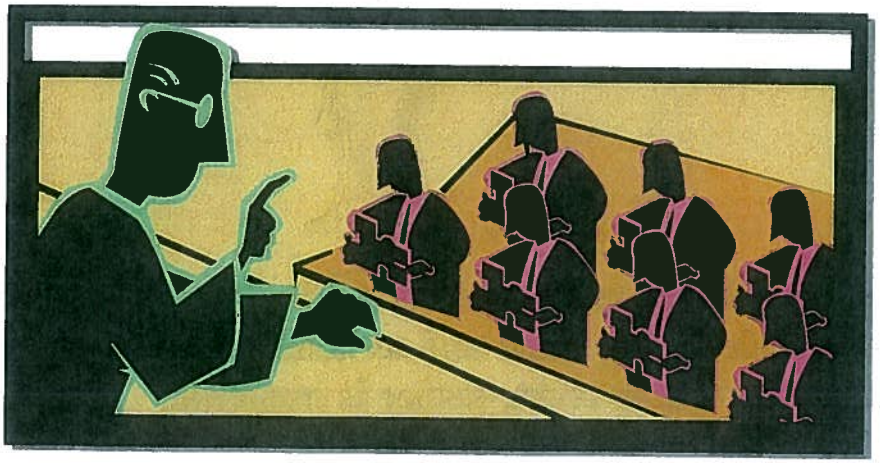
Attorney Training

As an attorney you need to develop two skills

1. The ability to analyze the facts, organize them from your perspective and construct a case,

Facts + Organization = Case

2. The ability to present evidence and arguments persuasively to a jury.



Voir Dire
The Importance of Impartiality

For two hundred years the ultimate power of our American democratic society has been kept in the hands of the citizens of the United States by two boxes.

The Ballot Box

The Jury Box

Citizens have a responsibility to vote on issues and representatives of the government in a Ballot Box.

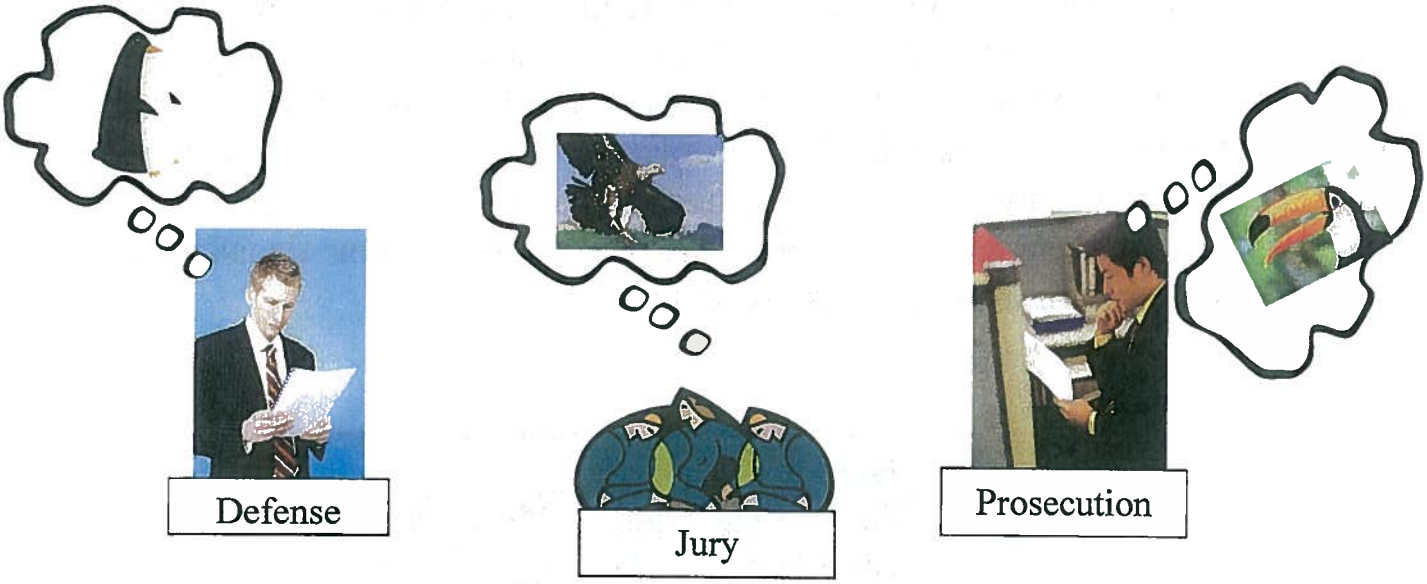
Citizens assigned to a trial, sit in a Jury Box. In the box, jurors listen to facts about a case and decide the defendant's consequences. The scales of justice should be tilted only by the evidence heard in the courtroom, not on prejudice or bias by one or more jurors due to his/her past experiences. Therefore, the judge of the court has the responsibility to ask questions of potential jurors to determine if they have any prejudice or bias towards the defendant. The questioning is called **voir dire**.

Themis, the Statue of Justice, is a blindfolded woman holding a balanced scale in one hand and an unsheathed sword in the other. She illustrates that in court, justice is impartial.

Versions of Reality
Present Evidence and Arguments Persuasively

"Trials are a re-creation of reality – an event or transaction that happened in the past. In trials, there are usually three versions of reality: your side's reality, the other side's reality, and the jury's reality. Each party firmly believes that its version of reality is correct and tries to persuade the jury to accept its version. However, the only reality that ultimately matters is the jury's reality – what the jury believes actually happened -- because that reality will control the jury's verdict. "

Thomas A. Mauet



There once was a bird . . . . . .

In your own words, explain how Thomas Mauet's quote relates to your work in Teen Court. _____

_____

_____

_____

_____

_____

The Science of Persuasion

Which side will the Jury accept as reality? The side that is more persuasive throughout the hearing. If neither side is convincing, than the Jury uses its own reality. Therefore, it is important that Attorneys understand the science of persuasion in order to understand how to persuade a Jury. Let us first discuss the Attorney's audience, the jury.

The Jury

Jury work is all about decision-making. The Jurors **listen** to what is being said, **watch** how people are behaving and **make a decision** based on the information they are gathering. The majority of people make decisions based on their reaction to the person more than his/her problem. Their reasoning is usually emotional and impulsive. Once a person makes a decision they become very committed and will try to justify their decision even when new information is presented.

Exercise – RAP
A Paraphrasing Strategy

Directions
Read the paragraph. **A**sk the question. **P**araphrase. Use the RAP structure to paraphrase the following paragraph.

How do Jurors process information and make decisions?

Jury verdicts are decided based on each Juror's individual decision-making and the groups' decision-making. Individual decisions are generally affected by how a person reasons and his/her **belief** and **attitudes.** Each Juror has his/her own set of **beliefs** (what we know about something) and **attitudes** (how we feel about something). **Belief** and **attitudes** are developed based on everything we come in contact with as we live our lives. Parents, friends, television, education, and observations are examples of sources of influences that impact **beliefs** and **attitudes**. As new situations are experienced or new ideas heard, they are compared to existing **beliefs** and **attitudes**.

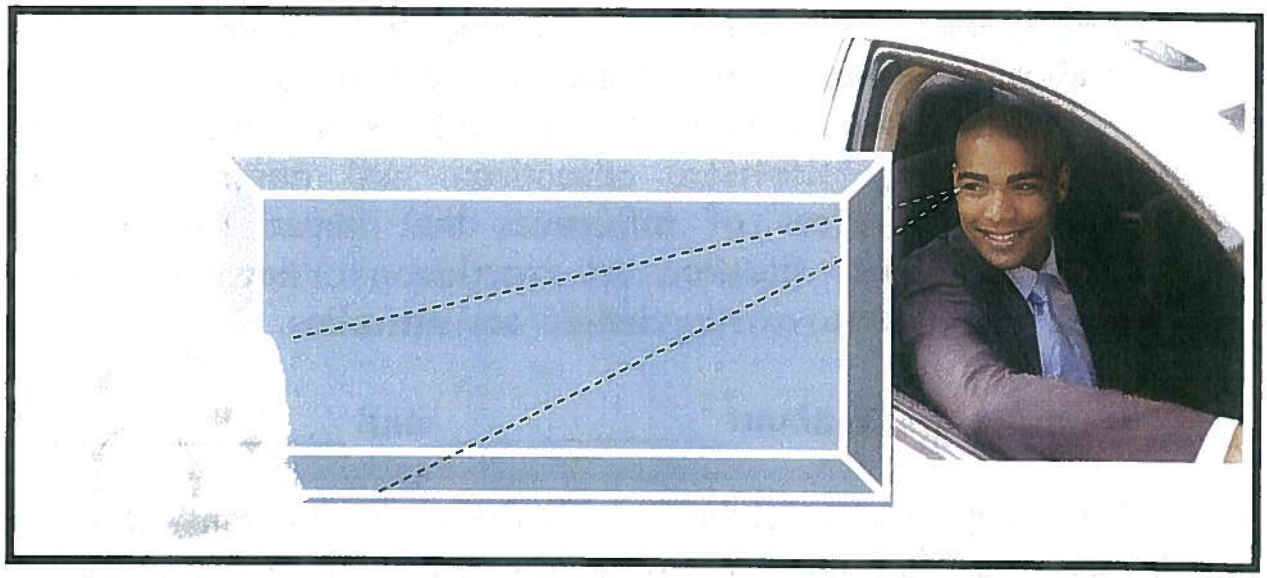
This paragraph is about _____ and _____.

(Write **one** sentence giving two of the most important facts you learned regarding the two words you used to fill in the blanks in the previous sentence. Use the sentence starter.)

It tells me _____
_____
_____
_____.

Jurors' Perspective

As Jurors sit in the Jury Box, they are subconsciously sorting out all the information they are receiving through observations and from what they hear. They accept or reject the information based on their beliefs and attitudes. Take the analogy of someone looking through a window that is blue. Everything you see through the window will have a touch of blue to it. Apply this to a Juror sitting in the Jury Box. As the Jurors listen, they will be looking at the information through their own unique window, accepting what they like and rejecting what they dislike.



Therefore, it is important to watch Jurors as evidence is introduced and discussed, to observe how the information presented is received.

The Hearing – An Emotional Experience

Jurors will experience a variety of emotions as the Hearing progresses.

1. When Jurors enter the Courtroom and listen to the Jury Bailiff, they will feel unsure of what is expected of them, what is happening around them, and will question whether they can meet expectations.

2. As the Hearing begins and the Jurors watch the Court Proceedings, they gain more confidence. They construct stories about the case in their minds based on what they think they are hearing. It may be what the Attorney is saying, but it may not. However, they do construct a story. **The Opening Statement must clearly introduce the case.** The stories are created as the Jurors look through their "blue window." (or screen information using their beliefs and attitudes).

3. As the Jurors listen to the evidence presented, they seek to prove their story correct. That is why they are not always hearing what the speaker is really saying. Jurors are hearing from their perspective (through the blue colored window). They gain more confidence about what the right decision should be for the case when they think the evidence agrees with their story. When the evidence does not agree with their story, then the Juror is not confident about the right decision.

4. By the Closing Arguments, the confident Juror is committed to his/her decision and will not be persuaded by the arguments.

5. However, the Juror that is still not confident in his/her decision may be receptive to persuasion.

Deliberation - Decisions Change

When the Jurors retire to the Jury Deliberation Room, they may discover that the other Jurors do not share their view of the case. This is where group dynamics take over. Individual decisions can change under pressure from the group, especially when a unanimous decision must be made.

Effective Communication

Attorneys need to understand that a Juror's memory of details in a case can leave quickly. It is important the Attorney uses strategies to help retain key information. The follow are some strategies used by Attorneys:

1. **Themes** – a memorizable word or phrase such as "this case is about respect." It summarizes the information and makes it easier to retain. If the Attorney does not provide a theme, the Juror will create his/her own theme. This is because there is so much information to gather in a Hearing, a Juror must simplify it all.

2. **Visuals** – people today watch TV and use computers. It has been studied and shown that a Juror will remember 10% of what they hear and 20% of what they see. If there are no visuals, the Attorney needs to repeat *many times* the key information he/she would like the Juror to remember.

3. **Powerful language** – active words used in a confident voice. The speech must contain good diction, plain English, present tense and vivid descriptions. Avoid using tentative language such as, "I guess," "well," or demonstrate any sense of uncertainty.

School Teen Court
The Importance of an Interview

The interview is a very important part of the Attorney's job. Interviews are conducted as a means of gathering facts. If interviews are sloppily done and facts are not obtained, it will impact the results of the case and the level of effectiveness in helping the Minor.

Defense Attorneys' Interview

The Defense will interview the Minor. It is important to establish a sense of trust with the Minor. If the Minor is reluctant to talk, the Attorneys need to engage him/her in a conversation before resuming the questioning. A possible way to put a Minor "at ease" could be to remind him/her that everything he/she says to his/her Defense Attorneys is confidential. Another way to help gain the Minor's trust would be to explain the concept that the Defense Attorneys must have approval from the Minor before asking a question in Court. The only exception to question approval would be in a Redirect when the Minor is already on the stand, in the Minor's Box.

It is important to ask questions that require more than a "yes" and "no" answer. Write down each question asked and the answer given. After the Defense Attorneys complete the interview, they will have the Minor read their notes on the questions and answers to change any errors in the information. The Minor signs and dates the notes.

Prosecution Attorneys' Interviews

The Prosecution does not have the opportunity to engage in an in-depth interview with the Minor. In the TUSD Peer Justice Program, the Prosecution has five minutes to question the Minor in the presence of his/her Defense Attorney. The Minor does not have to answer the questions during this interview, but will be required to answer the questions on the Stand in Court.

The Prosecution may interview other people involved in the infraction either as the victim(s) or bystander(s). Write down each question asked and the answer given. After the Prosecution completes their interviews, they will have the interviewees read their notes on the questions and answers to change any errors in information. The interviewees sign and date the notes.

Interview Tips for both Attorney Teams

1. Introduce yourself as a Teen Court Attorney and explain why you are interviewing the person.

2. Be polite – do not have a negative attitude.

3. Ask questions that are relevant to the case.

4. Be prepared! Know what questions you will ask before you start the interview. You can also ask any additional questions you come up with during the interview.

5. Try to get as much information as possible.

6. At the end of the interview, ask if the person has any questions for you.

7. Thank the person for his/her time.

Theory of the Case

To prepare for a case, Attorneys need to analyze and organize the facts they have gathered through referrals, interviews and Victim and Community Impact Statements. **The theory of the case identifies the main idea or issue of the case.** It is a clear, simple story of **"what really happened"** from either the Prosecution or Defense's point of view. It not only shows what happened, but also explains why the people in the story acted they way they did.

A Hearing is basically a competition between the Prosecution and Defense Teams to see which version of "what really happened" (theory of the case) the Jury will accept. If the Prosecution and/or Defense Team cannot construct a logical and simple story that includes all the evidence, the Jury will create one of their own.

Example

Infraction:
Excessive absenteeism by the Minor who chose to ditch classes and instead attend the tardy program called the "Sweep."

Defense:
After interviewing the Minor and organizing the responses, the Defense Attorneys discovered a pattern to the classes missed by the Minor. When the Minor was confronted with the issue of repeatedly missing one specific class many more times than any other class, he explained that he did not understand anything being said in the class.

Defense Team's Theory: The student missed class because he could not do the work. Instead of attending a class that made him frustrated and feel bad, he chose to attend the "sweep" class. He knew he would not pass the class anyway. At least at "sweep" he

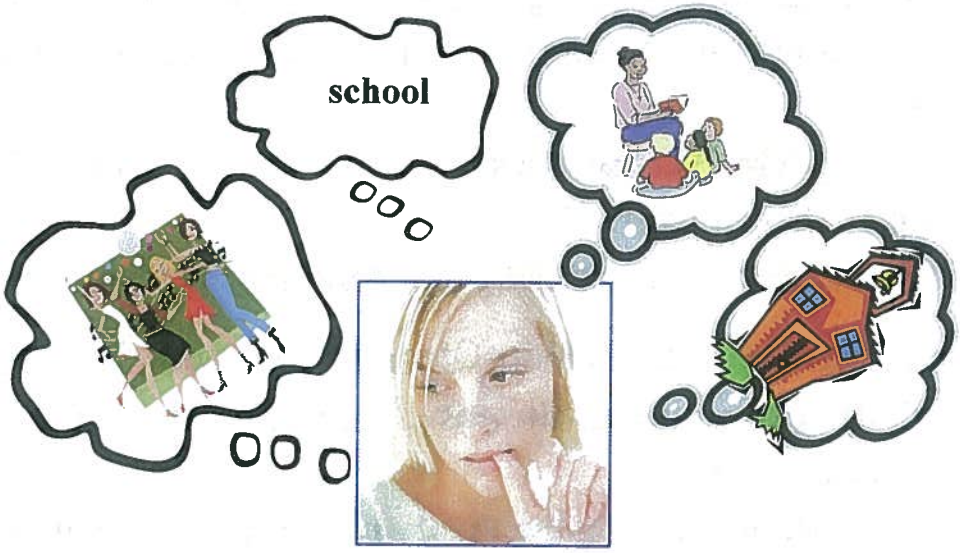
was able to sit in a quiet place and not have the stress of the teacher and other students talking about things he did not understand. This student needs help to learn, maybe individual tutoring.

Prosecution:
The Prosecution Team also discovered a pattern of absenteeism for one class. The Attorneys asked the teacher about the Minor's absences. The teacher confirmed that the Minor had missed a lot of classes and when he came to class he never brought books or homework. She contacted the parents and sent weekly progress reports, but no changes in behavior. She could not offer to stay after school to help the student because she coached basketball and recommended after school tutoring. The teacher also mentioned the Minor always missed the class with two other buddies. When the three boys were in class, they caused trouble for other students.

Prosecution Team's Theory: The Minor chose to act out in class with his friends beginning the first week of the school year because he is influenced by his friends. This weakness of being controlled by his friends is evident when you look at the choices he makes. When his friends do not come to school, the Minor sits quietly in the class. He never chooses to attend "sweep" without his friends. Sometimes one of the Minor's friends would receive a referral for the Assistant Principal and sometimes all three of them were sent out of class. The Minor was never referred by himself, but always with his friends. He is influenced by his friends.

Themes

A theme summarizes the theory of the case and must be simple enough that Jurors will remember it. The theme acts as a **"trigger point"** to stimulate Jurors' memory of details in the case.



An Example of Triggering Memory
When someone says the word **"school,"** that can trigger memories of past school experiences, a specific school building and/or a memorable teacher.

Instinctively, Jurors create "triggers" to help them summarize the case. Therefore, if Jurors instinctively create themes, it is important that Attorneys provide that theme in their Opening Statements. This way, the Attorneys have a better chance to get the Jurors to think about the case the way they want them to see it; to agree with their theory of the case.

Good themes are based on universal truths about people and/or lessons learned during life. Some sources for themes can be fables

and American sayings. However, good themes are only good if they summarize the theory of the case.

Examples:

This is a case about taking chances.
This is a case about taking responsibility for your own conduct.
"Appearances are deceptive," is a statement that describes this case.
This case demonstrates the saying, "A person is known by the company he/she keeps."
"There is no smoke without fire," definitely applies to this case.

Themes are introduced in the Opening Statement, but **must be used often throughout the case.** Repeating the theme often assists Jurors in:

1. Remembering the theory of the case, as well as
2. Triggering the details (facts and/or inferences) that support the theory.

Opening Statements

The Opening Statement is a critical part of a Hearing. It is the Attorneys' first opportunity to tell the Jury what the case is about and present their version of ***what really happened – the Theory of the Case***. Opening Statements require careful planning and a delivery that is logical and simple to understand.

"First impressions many times become lasting impressions." In fact, studies have shown a majority of Jury conclusions relate strongly with the Jury's first impression of an Attorney's Opening Statement. That explains the statement, "Win it in the Opening." Therefore, it is important Attorneys deliver strong, logical Opening Statements that clearly establish the Theory of the Case and a Theme for Jurors to remember.

When Opening Statements are presented, everything is still new to the Jurors. The Jurors may feel one or all of the following:

- nervous about Court procedures and their role as a Juror,
- curious about the case, and
- confused about whom they can trust to help them understand the case, other than the Judge.

Jurors are more open-minded during Opening Statements than at any other time during the Hearing.

Purpose

In the first minute of the Opening Statement, Attorneys must:

1.) explain the Theory of the Case,
2.) state the Theme in a positive way, and
3.) tell a story of the events that happened.

(Remember, the Jury has no idea what the case is about.) The Opening Statement must be delivered with energy so the Jurors can see the Attorneys' eagerness, enthusiasm and confidence in presenting their case. Attorneys need to convince the Jurors of their perspective (reality) of the case.

The Opening Statement is all about good storytelling with the focus on people, not problems. The story must re-create the events for the Jury. It needs to be emotional and dramatic in order to help Jurors relive the events from the Attorney's perspective (reality).

Organize the story in a simple, logical way. Usually it is presented chronologically, because it is easy to follow a story from beginning to end.

Facts can create strong mental pictures and will therefore have more impact on jurors. Rather than describing someone that is always tardy, it is better to describe someone who is 3-5 minutes late 6 times during the last two weeks. Facts need to be expressed through strong nouns and verbs.

The low riding race car sped down the street at 90 miles an hour.

~~The car drove by.~~

Opening Statements must also give the Jurors a preview of the testimony they will hear from the Minor.

Do not argue during an Opening Statement or give personal opinions about the facts such as, "I believe," "I think," "We believe." Those phrases will not persuade Jurors because they don't give any evidence or inferences. Personal opinions do not belong in a Hearing.

Attorneys must let Jurors know what they want from them by requesting a restorative consequence.

Position

During Opening Statements, Attorneys need to focus on the Jury. The best place to stand is directly in front of the Jury, a few feet

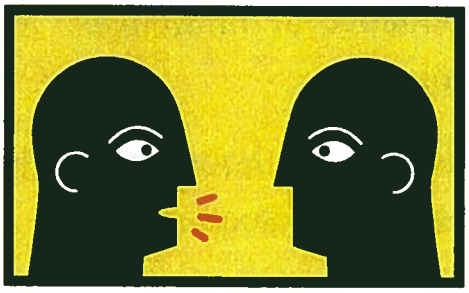
away where eye contact with each Juror can be maintained. Standing too close will make Jurors uncomfortable (invades their personal space) and back too far can make Jurors lose focus. Standing at one end of the Jury Box gives the impression of favoring some Jurors and ignoring others. The position of Attorneys, while delivering their opening, is important.

Too close!

In a position to maintain eye contact

Delivery

The **Opening Statement** is not a speech, but a conversation between Attorneys and a group of people (the Jury). The conversation involves a subject the Attorneys feel is very important and offers an opportunity for them to illustrate why the Jury should join them in their thinking (reality).



How Attorneys deliver their Opening Statement is as important as **what** they say. Attorneys must guide the Jury to believe they have

a good case! It involves both verbal and nonverbal communication.

Verbal Communication	Non-verbal Communication
Use plain English vocabulary	**Gestures** (hand, arm, facial) **and body movement** (shoulder, head) **to punctuate what is said; encourages people to watch the speaker and listen more intently.**
Use an active voice	**Upper body movement brings attention to the speaker's face.**
Use an energetic pace	**Eye contact with each person indicates the speaker is including him/her in the discussion.**
Change speech rate and volume	**Hands in pockets, holding pens, and/or papers distracts the listener's eye away from the speaker's face.**
Use pauses to maintain interest	**Walking back and forth informs the listener that the speaker is nervous.**

Attorneys need to prepare and know their cases well enough that they do not need a lot of notes. **Notes should be avoided altogether.** This will allow Attorneys to look confident, use their hands and arms for gesturing, and maintain continuous eye contact

with each of the Jurors. However, if notes are necessary, have the Opening Statement in an outline form with key topics and points in large print. Refer to the outline only if needed. Attorneys who can give an Opening Statement without notes have an advantage over the opposing Attorneys.

Speaking without notes allows the speaker to look at the audience and use gestures to emphasize important points.

Speaking using notes forces the speaker's head to look down. Looking down gives the listener the impression the speaker is unsure. Notes also make it difficult for the speaker to maintain eye contact and use gestures.

Content

The following checklist will help organize the Opening Statement so that the presentation is in a logical and clear progression the Jury can follow, and thus remember. Only make statements in the opening that the Minor will testify to during questioning.

Opening Statement Checklist

Introduction	First opportunity for Attorneys to speak directly with the Jury and impress them with both the case and the team's legal abilities. Within the first minute Attorneys need to be able to: 1.) Present the theme 2.) Present the theory of the case 3.) Show enthusiasm, confidence, and integrity through delivery and demeanor
Parties	Introduce the essential people. **Prosecution** identifies the people harmed by the infraction. **Defense** introduces the Minor.
Make sure that whatever you bring out about any parties will be supported by testimony during the hearing.	
Scene	Describe the scene where the infraction occurred so the Jury can visualize it. Give one fact at a time and slow enough that Jurors can add each new fact to the previous mental picture. Do not give too many details.
What happened	Foundation has been set through the introduction, parties, and scene. The jury has a mental picture. Attorneys now have the chance to describe the actual event in a logical progression that the Jury can follow easily and simply stated from the Attorney's perspective (reality).
Conclusion	Both Prosecution and Defense conclude the Opening Statement by telling the Jury the facts of the case that will support their side and ask for a logical consequence.

Summary of the Differences between the Prosecution and Defense Opening Statements

Prosecution	Defense
Appears in Court on behalf of the school community.	**Appears in court on behalf of the Minor - not to prove innocence, but to assist in the presentation of testimony.**
Provides aggravating circumstances such as: a. Has the Minor committed the offense before? b. Did the infraction cause major harm to others? c. Is the Minor sorry for committing the infraction? d. Does the Minor understand the harm caused by his/her actions?	**Provides mitigating/extenuating circumstances such as:** Did the Minor commit the infraction because of coercion or duress by others? Is the Minor likely to repeat the infraction? Has the Minor been given consequences for the action by others such as parents? Has the Minor cooperated in the Teen Court process? Does the Minor want to repair the harms created by his/her actions.

Prosecution continued	Defense continued
Presents theme relative to the aggravating circumstances.	**Presents theme relative to the mitigating/extenuating circumstances.**
Present your theory of the case – your version of "what really happened."	**Present your theory of the case – your version of "what really happened."**
Lays out the facts of the case using impersonal language: On such and such day, at such and such location, so and so was caught doing thus and so. These facts must be established - they are the reason the Minor is appearing in Court. Organize facts chronologically. Since Jurors are familiar with hearing stories that progress from a beginning to an end, facts in a sequence will make it easier for Jurors to follow and understand.	**Lays out the facts of the case with particular emphasis on personalizing the Minor.** Jurors tend to want to help people they like. Include activities at school and home that will help the Jurors relate to the Minor.

Examinations

Examinations offer Attorneys the opportunity to control the way a Minor's story will be told to the Jury. It is more than just "getting a story out" of the Minor. The Attorney decides how he/she wants the Jury to view the story - by avoiding unimportant matters and stressing important ones.

The purpose of the examination is to have the Minor's testimony support the theory of the case.

Attorneys choose which facts to focus on with supporting details and which ones to avoid. They may slow down the pace of the questions to emphasize points they want the jury to remember. The facts may come from the Minor, but the Attorneys control the way the facts are presented.

Two important issues for Attorneys to remember when examining the Minor:

1. Do not ask questions of a Minor that will present unimportant testimony.

Jurors may become bored and confused.

2. Do not rush through questions that will present important testimony.

Critical facts need to be fully developed so the Jury understands them.

Jurors can only receive so much information. Therefore, the important facts of a Minor's testimony must be given logically and in chronological order. Giving facts in the order they occur helps the Jury remember details.

Before the infraction ⟶ During the infraction ⟶ After the infraction

Set the scene.

Who was involved in the infraction?
What was happening directly before the infraction?
When did the infraction occur?
Where did the infraction occur?

Recreate the action.

How did the infraction happen?

Listen to the answers.

* Appear interested in the Minor's answers.
* Nod your head to let the Minor know you understand the answers.
*It alerts the attorney to unexpected answers that may occur.

Direct Examination

In a Teen Court Hearing the Defense Team provides the only witness, the Minor.

The Defense Team begins the questioning portion of the hearing and is the only team that gives *direct examination*.

Introductory Question

Since jurors do not know the Minor when he/she first gets on the Stand, it is important that the Defense Team gives some introductory questions. Jurors usually are asking themselves, *"Who is this Minor?" "Why is the Minor here?"* and *"Why should I believe the Minor?"*

Example:

"Who is this Minor?"

Q. Arianna, please introduce yourself to the jury.
A. I'm Arianna Delgado.
Q. Arianna, what grade are you in?
A. The seventh grade.
Q. Did you attend our school in the sixth grade?
A. Yes.

"Why is the Minor here?"

Q. Did you ditch your math class twice last week?
A. Yes, I did.

"Why should I believe the Minor?"

Q. Are you involved in any extra curricular activities?
A. Yes, I am a member of the school chess team.
Q. What do you do as a member of the chess team?
A. We meet once a week with a coach to learn new strategies or review games that were played in previous tournaments. We also play at least one game during the after school meeting. We travel to tournaments at least one a month on the weekends and they usually last all day.

Even though the questioning about the chess team has nothing to do with the case, it gives the Jury opportunity to find some connection with the Minor. Establishing a connection between Jurors and the Minor is an important element of the Defense Attorney's introductory questions.

Main Body of Questions

Before the infraction During the infraction After the infraction

Before: What situations happened in the past that led up to the infraction? Include:

1. What happened directly before the infraction?
2. Who was involved?
3. Where did it take place?
4. How were you feeling?
5. Did you try to get out of the situation?

During: What happened during the infraction?

1. Were you provoked?
2. What happened?
3. What were you thinking?

After: What happened after the infraction?

1. Were you sorry?
2. What could you have done differently?
3. How did you feel?

Jurors use nonverbal communication as well as verbal communication to reach a conclusion as to the believability of the Minor's testimony. Walking to the Witness Stand, taking the Oath, sitting in the Witness Chair, and/or maintaining eye contact are critical opportunities for Jurors to "size up" a Minor. Jurors are definitely influenced by what they perceive is the Minor's attitude. In fact, these nonverbal cues can become more influential than the Minor's spoken testimony to a Jury. Therefore, it is essential that Attorneys work with Minors to understand the necessity of sending positive nonverbal messages. Minors should practice sitting in the Witness Chair, walking up to the Witness Stand, etc.

Questions
Essential Tool for Attorneys

An Attorney's success is directly linked to his/her ability to ask the right question? The questions need to be open-ended. It is important to have the Minor speak more than the questioning Attorney. That is because the Minor's Testimony is the only evidence used by the Jurors in the Deliberation Room. Attorneys need to become familiar with the different types of questions and use them during the Hearing.

Types of Questions

Open-ended Questions for Clarification

"What do you mean by _____"
"Could you give me an example?"
"Could you explain that further?"

Open-ended Questions that Probe Reasons and Evidence

"What other information do we need to know?"
"Could you explain your reasons to us?"
"How do you know?"
"How does that apply in this case?"

Open-ended Questions about Viewpoints or Perspectives

"Why did you choose to do that?"
"Is there another way you could have handled yourself?"

Open-ended Questions that Probe Implications

"What effects have your actions had?'
"How did your friends influence you?"
"How did you affect your school community?"

Leading Questions

A question that directs the Minor to answer in a certain way is called a **leading question**.

In a Teen Court Hearing, the Defense Attorney cannot ask leading questions during Direct Examination.

Leading Question	Question
You asked the Monitor to leave you alone, didn't you?	What did you say to the Monitor?
You skipped your 5th period class for three days in a row, didn't you?	How many days did you skip your 5th period class?

Prosecuting Attorneys can ask leading questions during cross-examination. However, it is important that the questions do not sound argumentative.

Leading Question	Argumentative Question
Isn't it true the Coach Smith asked you to sit down on the bleachers after you had been warned twice for pushing other students during a game?	You refuse to ever listen to what Coach Smith tells you, right?
You refused to go to the end of the lunch line when the Monitor asked you to, didn't you?	You always cut in line at lunch?

Objections

During the Examination, an Attorney may ask a question of the Minor that the opposing Attorney does not want the Jury to hear. The opposing Attorney lets the Judge know that he/she objects to the question and potential answer. The Judge must rule as to whether the question can be answered.

When to Object

The opposing Attorney must **object** as soon as he/she hears the question. If the **objection** is not stated before the answer is given, most Judges will allow the Minor's response to stand. However, the opposing Attorney can move to **strike** the Minor's answer. If the Judge agrees, the Jury will be asked to disregard the answer.

How to Object

1. The Attorney stands quickly and states,
   *"**Objection** Your Honor, on the grounds that . . ."*

2. State the **objection** in a firm voice.

3. The Judge will rule on the **objection** by stating either:
   Sustain – Judge supports the **objection** and the Minor cannot answer the question, or
   Overrule – Judge does not support the **objection** and the question is allowed to be asked and answered.

4. It is acceptable to interrupt the Minor's answer to **object.**

Types of Objections

1. **Leading**

   This is when the Attorney's question has the answer embedded in it so all the Minor has to do is agree with it.
   Example: "Grace Putnam was very nervous, wasn't she?"

2. **Hearsay**

   This is when the Minor offers information based on gossip or rumor.
   Example: "Word around the school is Ali skipped 3rd period."

3. **Opinion**

   This is when the Minor is asked (or offers) what he/she thinks.
   Example: "I think Ali is ditching school."

4. **Irrelevant**

   This is when questions are asked which are not related to the case.
   Example: "Mrs. Putnam, did your sons go to college?"

5. **Lack of Foundation**

   This is when the opposing Attorney is asking without first establishing background information for it.
   Example: "Dr. Stone, do you feel that the Putnams abused Hope?"
   The question cannot be asked if the preceding questions did not show that Dr. Stone was qualified to answer the question.

Closing Arguments

The purpose of the Closing Argument is to collect the important facts and expose them to the Jury in a logical and unified manner that can be accepted and believed. It should recap the high points of the entire case.

Structure

1. Have prepared a written outline, but do not write out an argument and attempt to memorize it. The Opening Statement can be the basis of the outline.

2. Take notes during the opponent's Opening Statement. Point out those statements the opposing Attorney did not prove with the Minor's testimony.

3. Listen to the Minor. This is a good way to get ideas for Closing Arguments.

4. At the close of the Minor's testimony, look at the outline and add material gathered during the Hearing, modify anything in the outline which needs to be changed because of the testimony offered or unprepared statements.

Content

1. Give brief opening remarks.

2. Summarize the testimony using the evidence and inferences that support the Theory of the Case.

3. Expose any distortions or omissions in the opponent's case.

Prosecution

Remind the Jury of the three major concepts of restorative justice:

harms and needs
obligations, and
engagement - and how they related to the Minor's infraction.

Review the evidence and inferences that support the Theory of the Case and recommend restorative consequences that would repair the harms caused by the Minor's infraction.

Defense

Remind the Jurors of the Minor's testimony that support the Theory of the Case. Recommend restorative consequences that would help the Minor not repeat the infraction again.

Delivery

A clear, direct and logical discussion of the facts, delivered in a friendly, conversational tone can be very effective. It is proper to appeal to the emotions of the Jury. Look them in the eye in order to keep their attention. It is all right to glance at your outline, but do not give the impression you are reading a statement.

School Teen Court
Admission of Evidence

Relevance

In Teen Court Hearings, rules of evidence regulate both the admission of testimony by a Minor and any real or documentary evidence which an Attorney may want to admit in Court (i.e., physical items such as documents, objects and papers). Judges will only allow evidence to be admitted which is relevant and not unduly prejudicial. If the evidence sought to be admitted has no direct bearing on an issue related to the case, or if the evidence doesn't make more certain or clear a fact or issue that is important to the case, an objection is made. The opposing Attorney stands and states **"Objection, Your Honor,"** before the Minor talks. The attorney must state briefly to the Judge the reason why the evidence is objectionable. The Judge will then either sustain the objection or overrule the objection.

Example

The Prosecution asks the Minor if he/she was wearing his/her uniform when he/she was tardy to class. Whether the Minor was in the school uniform or not had nothing to do with why the Minor was late; explains nothing and is irrelevant.

Example

In a case about tardies, the Prosecution may ask if the student's prior class was next door to the class where he/she had the tardy problem. The distance the Minor had to travel during passing period may be relevant to his/her reason for being tardy.

Introduction of Physical Evidence

Certain rules of evidence are used and applied to control the type of physical evidence that can be introduced and allowed for the jury to consider in deciding the consequences. A Jury can only consider physical evidence which tends to prove or establish a fact that is important to the case.

Physical evidence can be the Victim and Community Impact Statements, teacher/monitor referral, assistant principal report, a document, an object, a diagram, or something that illustrates information about the infraction.

When physical evidence is introduced, these basic steps should be followed:

1. The piece of physical evidence should be marked in advance by the Court Clerk as an exhibit,

2. The exhibit should be shown in advance to opposing Attorneys,

3. The Minor should be asked to identify the item and explain what it is and how he/she recognized it, and

4. The Attorney offering the exhibit should move the Court for its admission once steps 1 through 3 are executed.

(Step 3 is necessary since the jury can only consider the Minor's Testimony in the Deliberation Process.)

Introduction of Prior Infractions

Federal Education Rights and Privacy Act (FERPA) impacts the ability to introduce certain information in a School Teen Court Hearing. Grades and previous discipline records may not be used unless the attorney has the student and parent/guardian's consent prior to the disclosure of education records. The consent must be signed and dated and states the purpose of the disclosure.

Prior Inconsistent Statements

Sometimes a Minor may make a statement in Court that is contrary to, or inconsistent with, a statement he/she made in a referral or prior testimony. If a Minor makes a statement in Court that is inconsistent with a prior statement he/she made in earlier Testimony, then the Attorney questioning the Minor should establish that the Minor made the prior statement and that it is now inconsistent with what he/she saying. However, since the Minor has already admitted committing the infraction, most inconsistencies in Testimony can be dealt with by using clarifying questions.

Example

Minor has made a statement in Court inconsistent with what he/she previously told the referring teacher. The Attorney can then ask, **"Didn't you talk to Ms. Lilac after school on the day of the infraction?"** If the Minor continues to deny the statement, the questioning Attorney can present evidence of the prior inconsistent statement by reference to a written report containing the statement or from his/her notes.

Bar Exam – Part I
Terminology

Match definition with word.

_____ advocate	1. an opportunity to present testimony and arguments for a jury to decide what should be done with the Minor
_____ aggravating circumstance	2. requirement not to reveal information
_____ testimony	3. to call as with authority to some duty or task
_____ sustain	4. to disallow the argument
_____ overrule	5. be in support of an argument
_____ confidentiality	6. questioning of a Minor by the Defense Team
_____ direct examination	7. information given by the Minor under oath
_____ extenuating circumstance	8. to speak in favor of; one who pleads in another's behalf
_____ infraction	9. a situation to do with an infraction that increases the seriousness of the harm to self, victim and community beyond the basic infraction itself
_____ oath	10. violation of the school rules
_____ voir dire	11. declaration to keep a promise
_____ objection	12. Any situation to do with an infraction that lessens the seriousness of the harm to self, victim and community beyond the basic infraction itself
_____ hearing	13. "To speak the truth!" The preliminary questioning of a juror to determine his/her fitness to serve
_____ summons	14. a ground or cause for disagreement

Bar Exam – Part II
Restorative Justice

Protocols

1. What does each Lead Attorney do at the beginning of a Hearing? _____

2. Who ***voir dires*** the Jury? _____

3. Who presents ***Opening Statements*** first? _____

4. Who gives ***Direct Examination***? _____

5. Who gives ***Cross-Examination***? _____

6. What must happen to enable the Defense Attorneys to ***Redirect***? _____

7. Can the Prosecution ***Re-cross*** if the Defense does not ***Redirect***? _____

8. What do both the Prosecution and Defense say when they have finished their Examinations? _____

9. Who makes ***Closing Arguments*** first? _____

10. What action must an Attorney take whenever addressing the Judge?_____

11. What is it called when the Attorneys meet privately with the Judge during a case? _____

12. Who announces, *Please rise*? _____

13. Who swears in the Jury? _____

Restorative Justice Concept

Scenario

Melissa worked as an aide for her math teacher the last period of the day. Her teacher trusted her enough that he allowed her to input grades on the computer. Since the last period of the day was the teacher's planning period, he often left her alone in the classroom while he took care of business in other areas of the school. Melissa knew she was getting a "D" in math and her mom was going to be really mad when Progress Reports arrived. Since she was already inputting scores, Melissa decided to change a few of her scores in order to bring her grade up to a "B+." She figured the teacher wouldn't notice the change because she usually made "A's" or "B's." Besides, she didn't give herself an "A" and it was only a Progress Report. Melissa's grades in all her other classes had dropped slightly, but not as much as in math. She had gradually been reducing the amount of time she spent studying. Besides, Melissa rationalized, learning came pretty easy for her. She could improve her grades when she needed to.

Melissa knew she was having trouble managing her active social life with friends: talking hours on the phone at night, staying very busy on the weekends with sports, slumber parties, and just hanging with friends. Changing her math grade would not hurt anyone and she promised herself she would focus more on school from this time forward.

Melissa's math teacher did notice the grade change because he was planning to talk to her about the "D." He was shock when he found the change and confronted Melissa. She admitted she had done it and was sorry, but didn't feel he should be so upset over the grade change. It was only a Progress Report and besides, she could learn the math and bring up her grade before Report Cards. Her math teacher wrote a referral and released her from being his aide. Melissa was referred to Teen Court.

14. Directions: Using the scenario, identify those who were harmed and how they were harmed.

a._____

_____

b._____

_____

c. _____

_____

d._____

_____

15. For each of the harms identified in Question 14, create a restorative consequence that would repair the harm.

a._____

_____

_____

b. _____

_____

_____

c._____

_____

_____

d._____

_____

_____

16. Write a short academic (persuasive) paper (on the space below) explaining whether Melissa's math teacher should let her continue as an aide. Take a stand and defend it with <u>at least one fact</u> and <u>two inferences per fact</u>. Remember the structure for writing a persuasive paper.

(See rubric on the following page.)

Scoring Rubric

	5	3	1
Ideas	The writer seems to be writing from knowledge or experience; the ideas are fresh and original.	Ideas are reasonably clear.	The idea is a simple restatement or a simple answer to the question.
Organization	An inviting thesis statement that defines the writer's stand; a satisfying conclusion leaves the reader with a sense of closure and resolution.	The paper has a recognizable thesis statement and a conclusion.	No real thesis statement.
Word Choice	Words are specific and accurate.	Words are adequate and correct in a general sense.	Words are nonspecific or distracting.
Sentence Fluency	Sentences enhance the meaning.	Sentences get the job done in a routine fashion.	Sentences are choppy, incomplete, rambling, or awkward. Phrasing does not sound natural.

Bar Exam – Part II
Restorative Justice
Scoring Explanation

Questions #1-13	The answers are provided.
Questions #14-15	The answers provided are suggestions. Included must be the four harms: self, parents, victim and community.
Question #16	A rubric is given.

Points System

Questions 1-13	2 points each
Question #14	5 points for each person(s) that was harmed and 5 points for how each was harmed. 40 points total
Question #15	10 points for constructive consequences for each identified person(s) harmed. 40 points total
Question #16	20 points total based on the given rubric

100% = 126 points
Passing grade – 106 points

Bar Exam – Part II
Restorative Justice
Answer Sheet

Protocols

1. introduce self, associates
2. Judge
3. Prosecution
4. Defense
5. Prosecution
6. Prosecution must present new information
7. No
8. No further questions at this time, Your Honor.
9. Prosecution
10. stand
11. sidebar
12. Court Bailiff
13. Court Clerk

Restorative Justice Concept

14. a. Melissa – she lost the relationship with her teacher, her opportunity to be an aide and her mother`s trust

b. Her Mom – she had to take time to attend the Teen Court Hearing, she felt the disappointment that her daughter broke trust with her teacher, and that her daughter made a choice that hurt so many

c. The victim, her teacher – he had a student he trusted demonstrate her lack of respect for him and herself, he lost a trusted aide, and he had to go back through all of his grades because Melissa could have changed other grades besides he own.

d. All students - the math teacher lost confidence in using student aides

15. a. Melissa – Write a one page paper to persuade other students that trust is a necessity in a learning community. / She is to tutor one student that is having difficulty in math for the purpose of helping the student and building a trusting relationship. She must tutor twice a week for three weeks and must turn in a reflection page on strategies she used to build a trusting relationship and the effectiveness of the strategies.

b. Her Mom – Write a letter of apology offering to take on a job that her mother usually has to do for a minimum of three weeks.

c. The teacher – In a letter of apology, include an offer to tutor a student in math after school two times a week for three weeks. Express the desire to build a trusting relationship with the student as well as helping the student to master a specific math concept. State the responsibility of writing a reflection paper following each session and the offer for the teacher to read them.

d. Students - The offer to tutor a student will help the community, especially if the student has mastered a math concept and a trusting relationship is formed.

16. See Rubric

Bar Exam – Part III
Case Preparation

Directions: You are a member of the Prosecution Team for the case involving Laurie, a seventh grader. Identify the four harms (victim, community, Minor and parents) that were a result of Laurie's actions. Then develop the Opening Statement, Examination (series of questions) and a Closing Argument.

As you build your case, keep in mind the consequences you request must repair the harms. As in persuasive writing (academic writing) the Theory of the Case (thesis statement) and its development is given in the Opening Statement. The body of the persuasive argument is in the Examination and the Summation is in the Closing Argument.

Facts:
Laurie, a seventh grader, took another student's math paper, put her name on it and turned it in. The teacher questioned Laurie about whether the paper was really hers. She got angry and denied stealing the paper. However, the student whose paper Laurie stole proved that the paper was his. Laurie was referred to Teen Court.

Laurie admitted her guilt in order to appear before the court. She explained she was failing the class with an average of 40. All of her other classes were B's and C's. Laurie complained she did not understand the math, but she never attended after school tutoring.

"After school tutoring has too many kids to help for only two teachers. Besides, a lot of the kids are goofing off there and make it hard to concentrate."

Harms:

1. Victim - _____

_____

2. Community - _____

_____

3. Minor - _____

_____

4. Minor's parents - _____

_____

Opening Statement:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Examination: (Include both the questions and the anticipated answers.)

Closing Argument:

Tucson Unified School District
Peer Justice Program
Teen Court
Oath of Confidentiality

I, _____, hereby agree to hold in strictest confidence an information including names of individuals that I may learn through my participation in the Tucson Unified School District's Peer Justice Program, Teen Court.

I understand that if, as a Teen court member, I divulge any confidential information regarding the proceedings, I will be guilty of contempt of court and my participation in the program will be terminated.

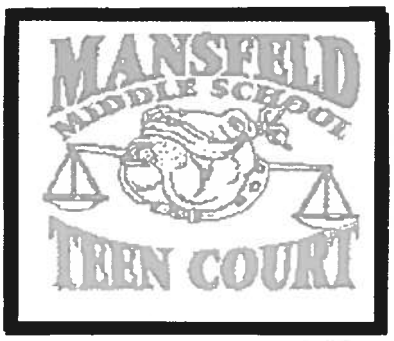
_____ _____

(Signature) (Date)

_____

(Name printed)

In The Teen Court of Mansfeld Middle School
Admissions Ceremony



Thursday, October 11, 2001, 11:30 A.M.

Mansfeld Middle School Courtroom
Tucson, Arizona
85719

Introduction of the Presiding Judge, the Honorable Louis Armenia, United States Federal Court
Principal, Mansfeld Middle School

Federal Judge, the Honorable Louis Armenia enters and takes the Bench

Motion for Admission
Ms. Bludau, Chairman of Examinations of Mansfeld Middle Teen Court

Administration of Oath
The Honorable Judge Louis Armenia

Welcome to New Members of the Mansfeld Middle School Teen Court Bar and Guests
Assistant Principal, Mansfeld Middle School

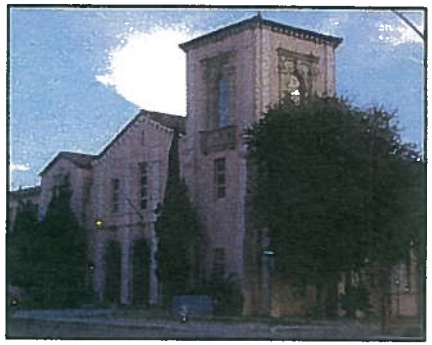
Welcoming Address
The Honorable Judge Louis Armenia, United States Federal Court

Presentation of Mansfeld Teen Court Bar Association's Highest Examination Score Award
Tara Davis, 8th Grade Advisor, Mansfeld Middle School

Judge adjourns

Enrollment of Newly Admitted Attorneys as Members of the Mansfeld Middle School Teen Court Bar

Guests
Bruce Morgan, Attorney
Parents/Guardians/guests of Teen Court Attorneys



Mansfeld Middle School Teen Court

Tucson Unified School District

Zachary Wilson

having exhibited to the Mansfeld Middle School Administration
satisfactory evidence of good moral character and qualifications to practice law
is therefore hereby authorized to practice as an Attorney and counselor
in the Mansfeld Middle School Teen Court
for and during good behavior in said practice.

In Testimony Whereof,

I have hereunto set my hand and affix the seal of Tucson Unified Peer Justice Program at Tucson, Arizona,
this 22nd day of January A.D. 2008-2009.

Presiding Judge

Teen Court Coordinator

TUCSON UNIFIED SCHOOL DISTRICT

PEER JUSTICE PROGRAM

Tucson Unified School District's Peer Justice Program

The Tucson Unified School District (TUSD) Peer Justice Program is a middle school alternative discipline program dedicated to the academic and social enhancement of the school community through the establishment of a judicial system of peers. It seeks to assist offenders (Minors) of school infractions in repairing the relationships with self, parents, victims and community damaged due to their actions. The Peer Justice Program places an emphasis on the community's role in assisting Minors to:

- acknowledge their accountability and responsibility for the harm created by their actions,
- establish a means for restitution, and then
- encourage reintegration with the community.

The key elements of restorative justice, the foundation of TUSD's Peer Justice Program, are to focus on:

- the harm caused by an infraction,
- the need for accountability, and
- community engagement.

School Teen Court

School Teen Court Attorneys
The eighth grade students of each participating Tucson Unified School District's (TUSD) Peer Justice Program not only train to assume the roles necessary to facilitate their School's Court Hearing Process, but they also complete the high school credit class, *Street Law*.

Students in the TUSD's Middle School Peer Justice Program train and serve as Prosecuting and Defense Attorneys, as well as the other roles necessary to facilitate a Hearing. The Prosecuting Attorneys represent the interests of the victims in the school community. The Defense Attorneys represent the Minor's needs. The term "Minor' is used instead of "defendant" because the student appearing before the court has already admitted to breaking the school rule. Therefore, Minors are not defending their actions, but instead are seeking to repair the harm they inflicted on themselves, their parents, the victim, and the school community. The Prosecution argues the aggravating circumstances and the Defense argues the mitigating circumstances behind the Minor's choice to break a school rule.

A Teen Court Attorney must train, study, pass Bar Exams I / II / III, and be sworn in before he/she can officially practice his/her profession. Attorneys are expected to dress and behave respectful of their position in the School's Teen Court.

The Prosecuting and Defense Teams (two/three Attorneys per team) prepare their cases separately. No official court documents (referrals, reports) may be taken from the Courtroom.

The Prosecution uses the referral, statements from witnesses (such as monitors, students and teachers), and the Impact Statements from the victim and community to prepare their case.

The Defense uses the referral, the Minor's story, and the Impact Statements from the victim and community.

The Prosecution/Defense Teams share any pertinent information learned during their case preparation before the Hearing. This sharing is called *Disclosure*. There should be no surprises of evidence from either team at the Hearing. Before a Prosecution and/or Defense Team can present physical evidence, it must be approved by the other team and the Judge. It is then recorded by the Court Clerk.

Hearings

The assistant principal of a school refers the young offender (Minor) to the Teen Court Program by setting up a conference between the Minor and the Teen Court (TC) Adult Mentor. To voluntarily participate in the Teen Court Program, the Minor must acknowledge his/her offense. A *Diversion Agreement* is signed by the Minor and is taken home for a parent/guardian's signature. At the same time, the TC Adult Mentor contacts the parent/guardian to explain the *Diversion Agreement*, the Peer Justice Program, and answer any questions.

A Defense Team is assigned to a Minor. They assist the Minor in understanding the harms created by the infraction, identifying any mitigating circumstances, and telling the Jury his/her story. A Prosecution Team is assigned to represent the victim/school community and identify any aggravating circumstances.

The Jury is made up of representatives from each grade level selected randomly from the School's Jury Pool. Jurors do not decide the guilt or innocence of the Minor. They seek restorative consequences that will help the Minor repair the harm to self, parents, community and victim. Their job requires them to listen carefully to the questions posed by both teams of Attorneys and the Minor's verbal/nonverbal answers. After hearing the evidence

presented by the Minor, the Jurors retire to a Deliberation Room, discuss the case, and return with a unanimous decision on restorative consequences.

The Minor then fulfills the restorative consequences (restitution) within a prescribed time. A note that the student sought help from the TUSD Peer Justice Program is added to the official discipline records of TUSD. (See Teen Court Schema)

Teen Court Coordinator

The Teen Court (TC) Coordinator facilitates the training of the student Court Officials in both restorative justice and the specific skills needed to operate a Court. The Court Docket and the monitoring of the Court Process also are the responsibilities of the TC Coordinator. In addition to the Court, the TC Coordinator implements the *Street Law* curriculum with an emphasis on explicit instruction in academic writing, thinking strategies, and reading comprehension skills.

Teen Court Adult Mentor

The Teen Court (TC) Adult Mentor's primary responsibility is to the Minor. Meeting with the Minor to establish his/her voluntary participation in the Court program and a phone conversation with the parent/guardian initiates the liaison between the school community and the Minor's family. This relationship strengthens through the Hearing experience. Once the Minor has fulfilled the restorative consequences, the TC Adult Mentor (or a volunteer adult from the academic community) mentors him/her throughout the rest of the school year. Additionally, the TC Adult Mentor is in charge of the Jury Pool and the facilitation of Jury Deliberations.

Parent Involvement

A goal of the Peer Justice Program is to promote a strong sense of community. Parents are an integral part of a school community and therefore need to be involved with the program. When a

student is referred to a School's Teen Court, the parents need to be a part of the process. They are informed with both the *Diversion Agreement* and a personal phone call to discuss the process and exchange information. The parents are also requested to be with their child during the Teen Court Hearing and participate in the Mandatory Communication Training. Since another goal of Peer Justice is to help students change behavior, the support from parents, in combination with peers and adults in the school community, makes a strong statement to the Minor.

Partnerships

Law Schools

A partnership needs to be beneficial to all parties. Some School Teen Courts in Tucson, Arizona, were fortunate to have a relationship with students from the University of Arizona (UofA) Law School. The law students took the dual roles of mentoring in case preparation and serving as a Hearing Judge. In exchange, the UofA Law School offered their students credit for community service.

After the partnership's first year of implementation, the law students brainstormed (on their own initiative) other ways in which they could assist the School Teen Courts. They were in their second or third year of studies, having completed classes in the civil procedures, constitutional law, contracts, property, evidence, ethics, criminal procedures and other areas. Based on their studies and the enthusiasm they had for the partnership, the law students collaborated with the Teen Court Coordinators to plan and implement lessons explaining many of the above mentioned legal concepts.

Law students reinforced concepts taught in class by demonstrating how to use the information in case preparations and the Hearings. The relationship between the law students and the Teen Court students was a meaningful learning experience for both parties.

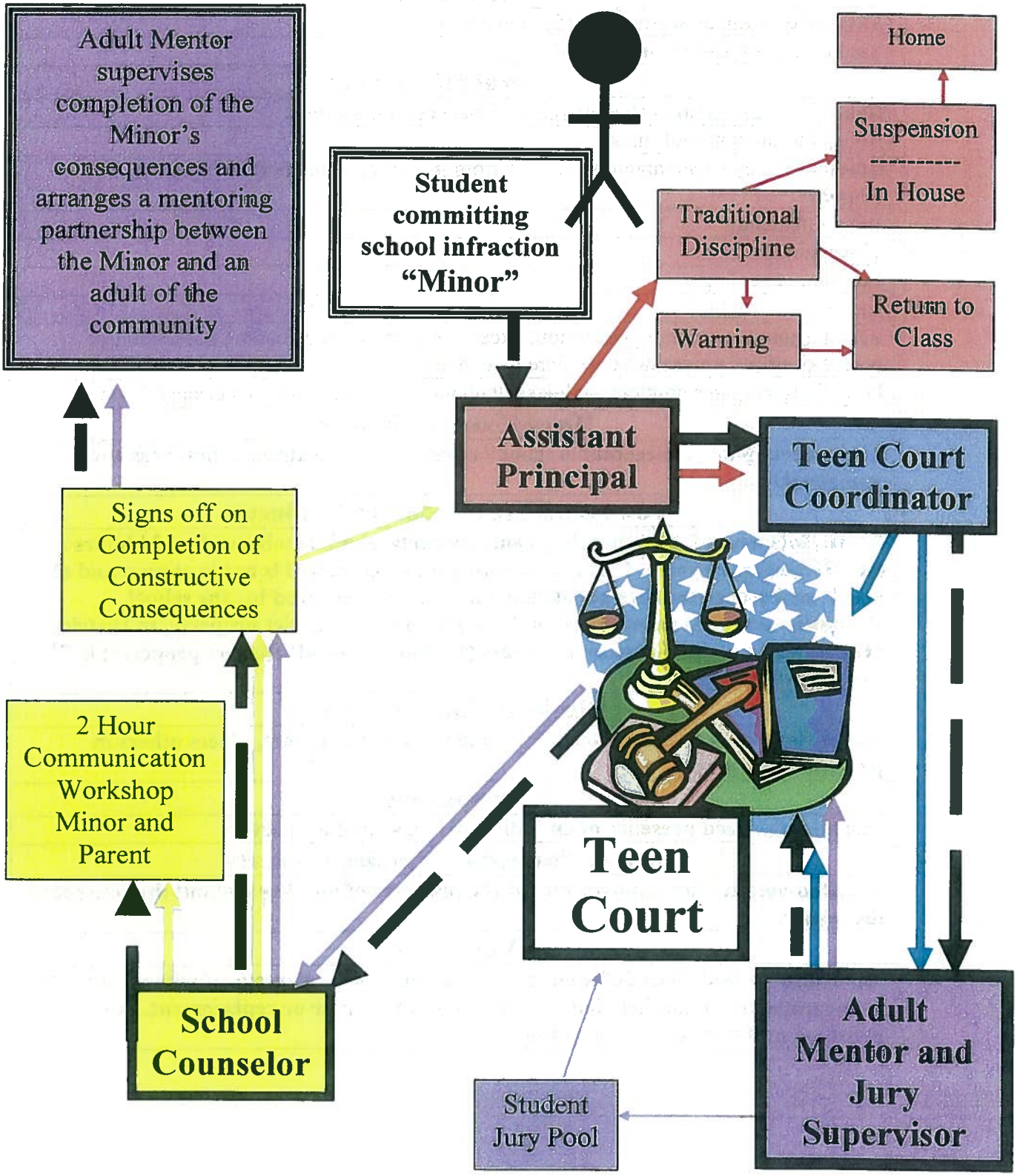
The most important service the law students offered the Teen Court students was to role model behaviors such as advocacy for a Minor, respect for all proceedings and participants, and a genuine enjoyment of learning and growing intellectually.

Academics

School Teen Court Programs are part of an academic institution. Therefore, it is imperative School Courts that operate during the school day must incorporate skill instruction as indicated in state standards. Fortunately, many of those skills are also the essential tools needed to fulfill the demands required of School Court Attorneys.

In addition to the eighth grade students completing the high school credit *Street Law* curriculum, they are instructed in the areas of academic writing, thinking strategies, and reading comprehension. Explicit instruction is given in academic writing (persuasive) and a specific paraphrasing strategy (RAP). Strategies for thinking skills are employed in the curriculum including Socratic Seminars. Reading comprehension strategies are employed to ensure student success in the *Street Law* studies.

Tucson Unified School District
Peer Justice Schema



TUSD's Peer Justice Jurisdiction
Attendance
Excessive absences at least five (5) unexcused
Tardies at least five (5) unexcused
General Misconduct
Behavior that disrupts the educational process including:
Refusal to obey school rules
Refusal to obey reasonable instructions from school personnel or other persons in authority
Initiation/hazing
Threats/intimidation/
Loitering, cheating
Lying
Leaving campus without permission, excessive displays of affection, possession of pocket or utility knives not considered weapons
Use of pagers, laser pointers, cellular telephones, or other similar electronic devices
Dress Code Violations
The general guide to acceptable school's dress code is neatness cleanliness and appropriateness.
Possession/Use of Tobacco Products
TUSD, inclusive of all its buildings and property, shall be tobacco free 24 hours a day, 365 days per year. This includes all days when school is not in session and all events and other activities not associated with, or sponsored by, the school. Possession or use of tobacco products by students on District property, in District vehicles and at school-sponsored events (whether on or off District property) is prohibited at all times.
Reckless Endangerment
Any willful act that is not intended to cause harm, but in fact, places others in jeopardy or injury.
Trespassing
The unauthorized presence of an individual on school property.
Theft or Possession of Stolen Property
Unauthorized taking or possession of the property of another without the consent of the owner.
Vandalism
The willful or malicious defacement, destruction and/or damage of school property or the property of another that requires removal, repair or replacement. No jurisdiction if restitution is required.

School Teen Court
Restorative Consequences
Mandatory/Optional

All Minors, who appear before Tucson Unified School District's Peer Justices' Courts, are required to complete three consequences. These mandatory consequences offer the Minor an opportunity to reflect on the harms created by the infraction: Letter of Apology, repay the community (Jury Duty), and learn interpersonal skills (Communication Workshop).

Written Apologies

An apology is written to the victim of the infraction and whomever else the Jury and Minor believe deserves one. The letter offers the Minor an opportunity to reflect on past choices and the impact of those decisions. The letters are collected, screened and delivered by the Adult Mentor. In some cases the victim of the infraction may request a verbal apology or refuse to accept a letter of apology. Regardless of the letter's destination, to a person or the Minor's file, an apology is written.

Jury Duty

Serving on a Jury Panel, is a civic duty and as such, offers a structured practice of belonging to a community. Jury duty reinforces the concept of collaboration with others for the betterment of the group.

Communication Workshop

This workshop is held in the evening at the school with a minimum of five Minors and their parent/guardian in attendance. The session gives students the opportunity to see that their parent's concerns are not so different from their peers' parents/guardians. It gives the adults an insight to the fact that their teen's behaviors/attitudes are not so different from other teens.

Optional Consequences

Optional consequences individualize how a Minor is held accountable for his/her actions and what types of reparation should be made. All parties directly involved in the infraction have input in those decisions through the Victim and Community Impact Statements. The Minor should also recommend consequences that would keep him/her from repeating the infraction. The optional restorative consequences must relate directly to the harms created by the infraction.

The Prosecution and Defense recommend restorative consequences in their *Closing Arguments*. It is through the Prosecution that the victim has a voice to explain the depth of harm felt due to the Minor's actions and the recommend consequences that would help repair the harm from their perspective. The Defense gives the Minor, through the Examination segment of the case, the chance to discuss his/her thoughts about committing the infraction and give a recommendation for consequences.

On the *Jury Report Form* there is a list of several optional consequences for Jurors to consider. However, the suggested consequences are meant more to act as a catalyst for thinking "outside of the box."

Between the victim's, community's and Minor's recommendations and the options listed on the *Jury Report Form*, the Jury has a foundation to begin Deliberations on restorative consequences. Their job, representing the school, is to assist the Minor repair the harms and support his/her re-engagement with the community.

Facts Concerning Minors
in the
Tucson Unified School District Peer Justice Program

Teen Court is an alternative discipline program.

Diversion into Teen Court is voluntary.

Students who are referred to Teen Court have committed a particular infraction for at least the second time.

Students can appear in Teen Court only one time for the same infraction.

Teen Court incorporates the philosophy of restorative justice which focuses on repairing the harm done to people and relationships rather that on punishing students who break school rules.

Teen Court provides opportunities for students to take an active role in addressing the wrong and making things right in their community.

All of the participants in the Courtroom are students, except for the Judge.

Teen Court instills a sense of community and relational thinking for the Minor and all participants in the process.

The Minor is aware the Jury must give the *Mandatory Sentence*, as well as any other restorative consequences which the Jury feels would help the student. He/she must complete all restorative consequences. If the Minor does not successfully complete his/her assigned consequences, his/her case will be returned to the assistant principal for further discipline.

Initial Interview

The initial interview sets the tone for the Minor's entire Teen Court experience. It can vary as to who administers the initial contact: from a school administrator to the Adult Mentor. There are specific issues that must be dealt with at this meeting.

Initially, the student must recognize that Teen Court is a **voluntary** alternative to the school's discipline program and that he/she must **admit** to his/her infraction.

The interviewer will explain that the Teen Court Process is confidential and that he/she (now referred to as Minor) are the only people in the Hearing that does not sign an *Oath of Confidentiality*. This is because the Hearing is the student offender's story. The Minor is assigned a case number, placed on the Court's Docket, and is asked some basic questions listed on the *Minor Preliminary Evaluation Worksheet*. The Minor is given several forms including *Instructions for Minors* and the *Diversion Agreement* which includes the date and time for the hearing. It will be explained that the *Diversion Agreement* must be signed by both the Minor and his/her parent/guardian and returned to the Court before the Hearing takes place.

The parent/guardian can be called during the interview with the Minor present or in the evening after he/she has had the opportunity to read the *Diversion Agreement*.

Before the Minor leaves the meeting, a date and time for the first meeting with his/her Attorney is scheduled. The *Minor Preliminary Evaluation Worksheet* is placed in a file to be turned over to the Minor's Attorneys for completion.

School Teen Court
Personal Identification

Name _____ Grade _____
Address _____
Parents/Guardians' Names _____
Home Phone _____
Parents/Guardians' Work Number _____

Schedule

Period	Subject	Room #	Teacher

School Teen Court
Minor's Initial Interview Checklist

Name of Minor _____ Date of Interview ___/___/___

_____ 1. Filled out *Personal ID Form*
_____ 2. Given a Hearing number _____
_____ 3. Given a Hearing date and time _____
_____ 4. Signed the *Diversion Agreement*
_____ 5. Returned the *Diversion Agreement* with parent/guardian signature
_____ 6. Initiate the *Minor Preliminary Evaluation Worksheet*
_____ 7. Given *Instructions for Minor*
_____ 8. Called parent/guardian

Phone Number (H) _____
(W) _____

Response Notes: _____
_____
_____

Who will attend the Hearing? _____

School Teen Court
Minor's Initial Interview Checklist

Name of Minor _____ Date of Interview ___/___/___

_____ 1. Filled out *Personal ID Form*
_____ 2. Given a Hearing number _____
_____ 3. Given a Hearing date and time _____
_____ 4. Signed the *Diversion Agreement*
_____ 5. Returned the *Diversion Agreement* with parent/guardian signature
_____ 6. Initiate the *Minor Preliminary Evaluation Worksheet*
_____ 7. Given *Instructions for Minor*
_____ 8. Called parent/guardian

Phone Number (H) _____
(W) _____

Response Notes: _____
_____
_____

Who will attend the Hearing? _____

School Teen Court
Minor Preliminary Evaluation Worksheet

Name of Minor _____ Grade Level _____

Court Hearing Date ____/____/____ Age _____

Name of parent/guardian in attendance _____

Family members living in household with the Minor

Names	Relationship to the Minor
1. _____	_____
2. _____	_____
3. _____	_____

Minor's explanation of the referral _____

_____

Additional background information pertinent to the case

_____

_____

Mandatory Letters imposed by the Jury _____

Optional Sentences imposed by the Jury _____

_____

Problems that arose during the completion of the restorative consequences

_____

Date of restorative consequence completion ____/____/____

Explanation of why the Minor did not comply with the restorative consequences. _____

School Teen Court
Diversion Agreement

Name _____ Date ____/____/____
Infraction _____ Committed on ____/____/____
Proposed Hearing on ____/____/____

1. Teen Court is an alternative way of dealing with students who have admitted to a school offense. The student (Minor) appears before a Jury of peers, presents his/her case, and the Jury decides his/her restorative consequences. If the Minor does not appear at his/her Teen Court Hearing, his/her case will be referred back to the assistant principal.

2. A parent or guardian is required to attend the Teen Court Hearing with his/her child. The parent/guardian must also attend a two and a half hour evening workshop on communication with his/her child.

3. If a Minor does not follow the Teen Court Diversion Agreement, the Teen Court Coordinator will refer the case back to the assistant principal for further action.

4. Most language interpreters are available upon request to the Teen Court.

5. Diversion into the Teen Court is voluntary. By signing this agreement, the Minor is willing to accept the restorative consequences given by a Jury of his/her peers without ill feelings. Any retaliation towards any participant of Teen Court will be referred to the assistant principal.

_____ _____
Student (print name) Signature Date

_____ _____
Parent/Guardian (print name) Signature Date

The above statements were read to, signed by, and a copy given to the student on the date indicated.

_____ _____
Referred to Teen Court by School Teen Court Adult Mentor

School Teen Court
Instructions for Minors

Appear for your Teen Court hearing at 11:45,_____(date).

Meet your Attorneys at the Defense Table and introduce them to your parent/guardian. They will be seated with you at the Hearing.

You will be called to the Minor's Stand and sworn in by the Teen Court Clerk. Speak slowly in a strong voice when answering questions. Look at the person(s) to whom you are talking.

Tell the truth. Explain in detail what happened, who was with you, and the circumstances surrounding the infractions.

Attitude
Be yourself. Explain the lessons you learned, demonstrate your understanding of the harms caused by your actions, and recommend consequences that will help you not repeat the offense.

When the Jurors return from Deliberations, the Judge will ask you to stand and face the Jury to listen for the consequences.

Following the Hearing your attorneys will escort you and your parent/guardian to meet with the Adult Mentor. At the meeting, you will discuss the consequences awarded by the Jury and establish a timeline for their completion.

Please call the Adult Mentor if an emergency prevents you and your parent/guardian from appearing before the Teen Court at this time and date.

School Teen Court
Victim Impact Statement

Docket Number _____ Statement from _____ Date: __/__/__

A **Victim Impact Statement** will offer you the opportunity to share the impact of the infraction on your life. You may either write a statement or answer the following questions. Do not include in your statement a description of the infraction or your personal opinions of the Minor.

1. Did the infraction against you create a sense of fear, anger or disappointment? _____

2. Describe concerns you have about your safety at the school since the infraction.

_____

_____

3. Have there been any changes in your relationship with friends at school since the infraction? Explain.

_____

_____

4. Have there been any changes in your school attendance since the infraction? Explain.

_____

_____

5. Have there been any changes in your grades at school since the infraction?

_____

6. Have there been any changes in your relationship(s) with teachers or other school personnel since the infraction? Explain.

_____

_____

7. Does your family know what happened? If so, explain their reaction.

_____

_____

8. Have there been changes in your ability to concentrate since the infraction? If so, explain.

_____

_____

9. Have there been any changes in your activities before, during or after school since the infraction?

_____

_____

11. Have any of your outside school activities (sports, clubs, service, etc) changed since the infraction? If so, explain.

_____

_____

13. Do you have an opinion as to what the Minor can do to repair the harms he/she caused you?

_____

_____

Please check the following options:

_____ I would like to receive a letter of apology.

_____ I would not like to receive a letter of apology.

_____ I would like a verbal apology.

_____ I would not like to receive a verbal apology.

Please check one of the following options:

_____ Inform me of the constructive consequences received by the Minor.

_____ Do not inform me of the Minor's constructive consequences.

As a victim of an infraction, you have the opportunity to help the Minor understand the harms caused by his/her actions. Thank you!

School Teen Court
Community Impact Statement

Docket # _____ Statement from _____ Date: ___/___/___

A **Community Impact Statement** will offer you the opportunity to share the impact of the infraction on you and the community. You may either write a statement or answer the following questions. Do not include in your statement a description of the infraction or your personal opinions of the Minor.

1. Did the infraction create a sense of fear, anger or disappointment in you?

_____

2. Describe your concerns about the safety of the school community since the infraction.

_____

_____

3. Have there been any changes in your relationship with friends at school since the infraction? Explain.

_____

_____

4. Have there been any changes in your school attendance since the infraction? Explain.

_____

_____

5. Have there been any changes in your grades at school since the infraction?

_____

6. Have there been any changes in your relationship(s) with teachers or other school personnel since the infraction? Explain.

_____

_____

7. Does your family know what happened? If so, explain their reaction.

_____

_____

8. Have there been changes in your ability to concentrate since the infraction? If so, explain.

_____

_____

9. Have there been any changes in your activities before, during or after school since the infraction?

_____

_____

11. Have any of your outside school activities (sports, clubs, service, etc) changed since the infraction? If so, explain.

_____

_____

12. Do you have an opinion as to what the Minor can do to repair the harms he/she caused you or the school community?

_____

_____

Please check the following options:

_____ I would like to receive a letter of apology.

_____ I would not like to receive a letter of apology.

As a member of the community where the infraction occurred, you have the opportunity to help the Minor understand the harms caused by his/her actions by submitting a Community Impact Statement. Thank you!

School-Wide Jury Pool

1. All students in the school are eligible for Jury Duty.

2. At least one Minor from a previous Hearing will be sitting on each Jury in fulfillment of his/her restorative consequence.

3. The Minor serving his/her Jury Duty is treated as a regular Juror in the process. The identification of a student as a prior Minor would break his/her right to confidentiality.

There are several ways to select potential Jurors. The following process is the system used by the Tucson Unified School District's Peer Justice Program.

1. The Adult Mentor collects the school's 6th period class rosters (or the period in which the Teen Court class occurs). The student roster for each 6th period class is numbered and then placed into grade levels groups.

2. Thirty (30) reusable slips of paper, each one with a numbered on it, are placed in a container. Three (3) numbers from the container are drawn by the Adult Mentor with each number designated for one grade level.

3. A grade level's drawn number is compared to three of the corresponding grade level rosters. Students with that number are added to the *Potential Jurors List*. This process is repeated for the other two grade levels. Nine (9) names in total are on the final Jurors List, three (3) from each grade level.

4. One grade level will only have two Jurors selected because a Minor (at that grade level) from a previous Hearing will be the third Potential Juror on the List.

5. The student names selected are identified on the class rosters with the date of the Hearing. A student may serve on the Jury only once a year.

6. The Potential Juror's List Memo is given to the Teen Court Coordinator a week prior to the Hearing.

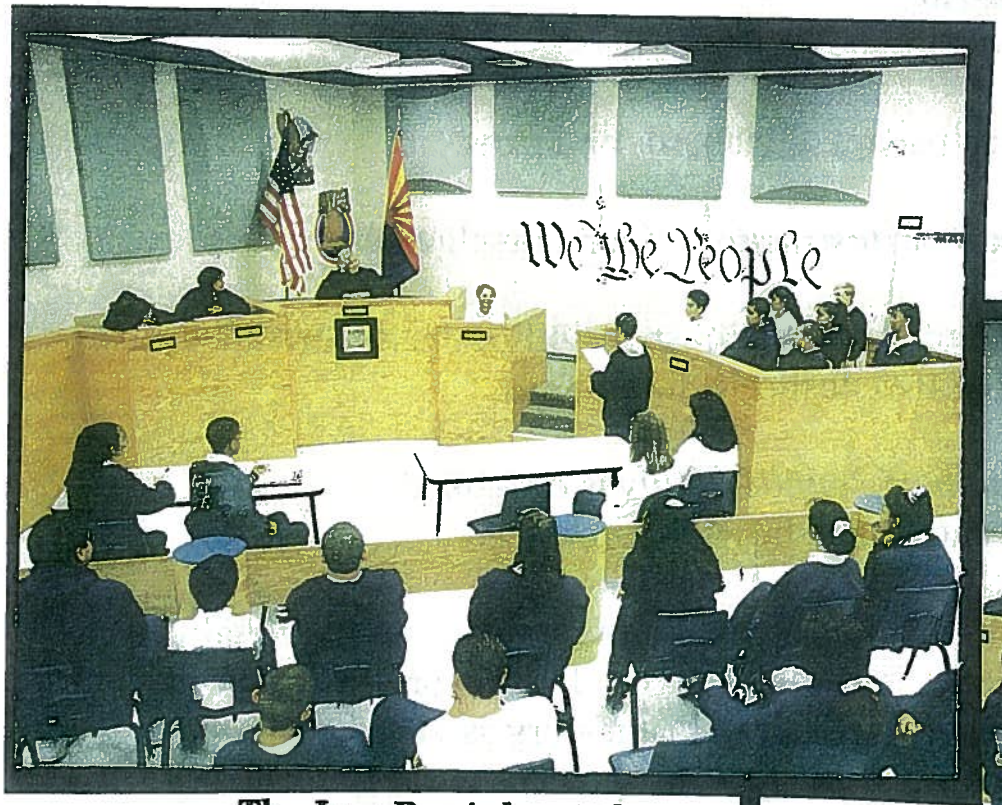
7. The Teen Court Coordinator photocopies or e-mails the Memo to notify teachers of students called for Jury Duty.

8. A copy of the Memo is placed on the clipboards of the Teen Court Coordinator, Court Clerk and Jury Bailiff.

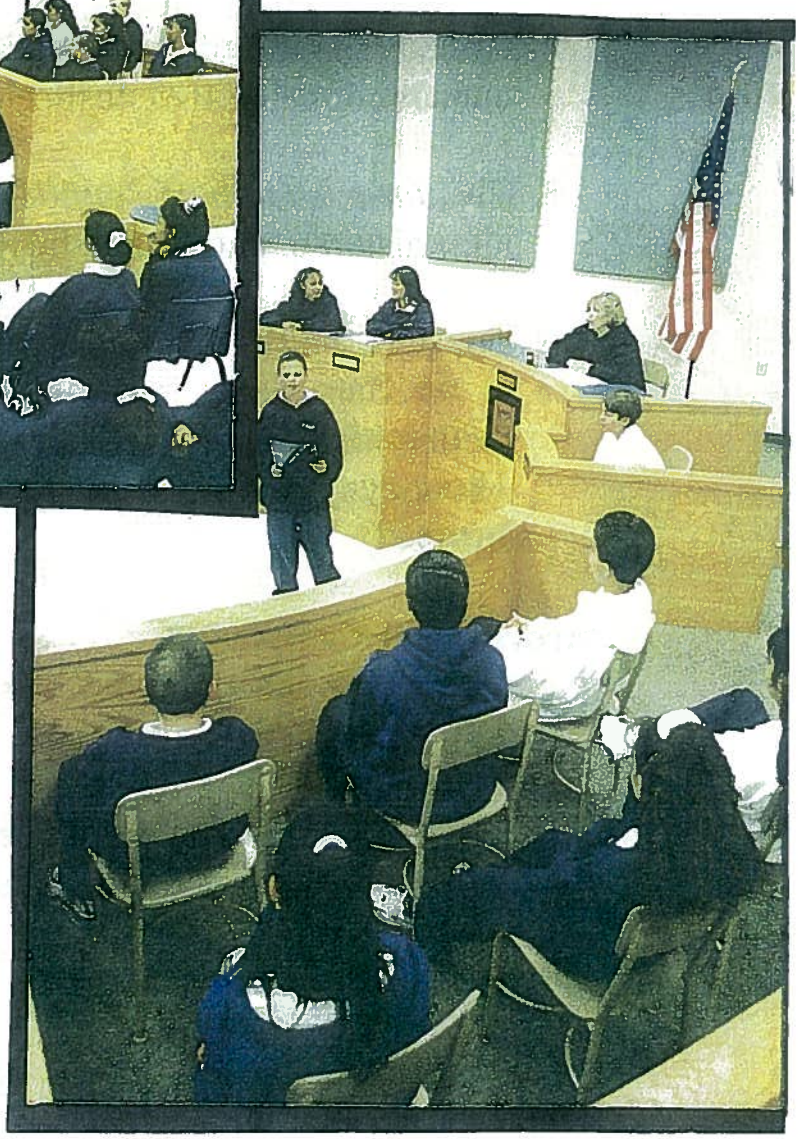
9. If the Court is notified a Juror has withdrawn from school or will be on a fieldtrip, another student is selected from another class at the same grade level.

10. The Court Clerk prepares the *Jury Summons* and assigns Servers to deliver them during passing period prior to the Hearing.

TEEN COURT JURIES



The Jury Box is located next to the Minor for best testimony reception.



The Jurors may only consider the Minor's testimony in their deliberations.

School Teen Court Jury Protocols

Jurors prior to Hearing

1. Jurors check in with the Jury Bailiff.

2. Jurors are given badges, clipboards and pens.

3. Jurors read the *Jury Instructions,* found on clipboard.

4. An explanation of the Jurors' responsibilities is reviewed and concept of restorative justice is introduced.

5. The *Juror's Oath of Confidentiality* is explained, administered, and signed by each Juror.

6. The Jury Bailiff announces the six jurors to be seated initially in the Jury Box. The three extra Jurors stay in the Jury Deliberation Room to wait until the Jury is accepted by the Attorneys, Minor and Judge. (This process is called "Striking Jurors.")

Jurors in the Courtroom

1. Jurors (and others in the Courtroom Gallery) stand when the Judge enters the Courtroom.

2. The Judge will ask Jurors a series of questions as to their suitability to serve on the Panel – voire dire.

3. If the Jury Panel is accepted, it will be sworn in.

4. If a Juror is dismissed, Jury Bailiff will select another Juror.

5. Jurors listen attentively and take notes during the Attorneys' Opening/Closing and Minor's testimony.

6. Jurors follow Jury Bailiff to Deliberation Room.

In the Deliberation Room

1. Jurors select a Fore Person to record and report to the Court.

2. The *Jury Report Form* is given to the Jury Fore Person.

3. The Adult Mentor structures the Deliberation using the *Jury Deliberation* form as a guideline.

4. Jurors maintain order, contribute to the discussion, and deliberate as succinctly as possible (Previous Minors serving as Jurors must remain focused on the case and not their own past experience.)

5. Jurors are expected to keep personal experiences out of the Deliberation Room. They consider only the information presented in the Courtroom.

6. Jurors must consider the demeanor of the Minor when testifying, character traits exhibited, degree of remorse, any consistent/inconsistent statements made, the extent of his/her ability or willingness to recollect or communicate through Testimony, and his/her attitude toward the Court process.

7. Once consequences have been agreed upon unanimously, Jurors must write a comment to the Minor.

8. The Fore Person signs the *Jury Report Form* and practices reading the information to be shared in Court, while Jurors complete the *Jury Evaluation* forms.

9. Jury Foreperson informs Jury Bailiff when:
    a. Deliberations are over

    b. The *Jury Report Form* is completed

    c. The *Jury Evaluation* forms are filled out

Jurors return to Courtroom

1. Judge asks,
   Has the Jury reached a decision?

2. Fore Person stands and says,
   Yes we have, Your Honor.

3. Fore Person hands *Jury Report Form* to the Jury Bailiff

4. Jury Bailiff delivers document to Judge

5. Judge reads, signs and returns document to the Jury Bailiff

6. The Jury Bailiff returns document to the Fore Person

7. The Fore Person faces Minor and reads, *Jury Report Form*

8. Judge may question Jury

9. Jurors released to Jury Bailiff

10. Jury Bailiff collects badges and distributes *Jury Passes*

School Teen Court
Memo

To: School Faculty
From: Teen Court Coordinator
Regarding: Potential Teen Court Jurors for _____
Date Memo sent: _____ (day/date)

Students, whose names are listed below, will be summoned as *potential* Jurors for the School Teen Court on the day indicated in the last column of the chart. Please check the list carefully and indicate if there is a student needed to be excused from Jury Duty due to a field trip. Please return this form immediately, *only* if you have identified a student on a field trip or if you are aware of a student's withdrawal from the school. Thank you.

Reminder: Students selected for Jury Duty will receive a summons on the day of their service.

✓	Grade Level	Student's Name	Room Number	Teacher	Tuesday (T) or Thursday (TH)

School Teen Court Jury Summons

Juror # _____

Dear _____,

You are hereby summoned to report for Jury Duty in the School Teen Court. Report to the School Courtroom at by 12:45 on _____ / _____ / _____.

Bring this summons with you.

Records show the following information, which will be used only to speed the Jury Selection Process.

You are in the _____ grade. You attend _____,
(class' subject)

during sixth period in room _____ on _____.
(day, date)

School Teen Court Jury Summons

Juror # _____

Dear _____,

You are hereby summoned to report for Jury Duty in the School Teen Court. Report to the School Courtroom by 12:45 on _____ / _____ / _____.

Bring this summons with you.

Records show the following information, which will be used only to speed the Jury Selection Process.

You are in the _____ grade. You attend _____,
(class' subject)

during sixth period in Room _____ on _____
(day, date)

School Teen Court Jury
Oath of Confidentiality

Be courteous and respectful at all times.

Follow the rules regarding confidentiality.

Be true to the restorative justice concepts.

Be fair to all persons involved.

Represent the interests of the school community.

Represent the interests of the School's Teen Court Program.

Confidentiality

I will protect the identity of the Teen Court Minor.
As a Juror, I promise to abide by the rules of confidentiality.
I will not discuss the case outside of the Courtroom, with family or friends.
I will keep all information to myself.

Signature of Juror _____

Juror's name printed _____

Date ____/____/____

Deliberation Process

The Deliberation Process is when Jurors work collaboratively to solve the problem of how best to help the Minor repair the harms he/she caused and how to help all parties re-engage with the community.

Instructions
Each step listed below builds on the previous step. Guide the Jurors through the steps. When at Step 5, ask the following:

"What type of community service/assignment will best educate the Minor and give him/her an opportunity to repair the harm cased by his/her actions?" and

"What will help the Minor understand more fully the impact that his/her actions had on the victim and the community?"

1. Debrief what was seen and heard during the Hearing, including consequences requested by the Minor and the victim.

2. Review the facts and circumstances of the case.

3. Explain the harms of those who were impacted by the infraction as told in the Minor's testimony. Create a list.

4. Identify the needs of the affected parties – victim, Minor, Minor's parent/guardian, community – that can repair the harms previously listed. Create a list.

5. Determine the needs required to repair the harms. Include any consequences the Minor and victim requested.

6. Reach consensus on the constructive consequences appropriate for addressing the needs of the affected parties.

7. Provide a written comment on the *Jury Report Form* to explain the constructive consequences awarded.

(Adapted Godwin, Heward, and Spina, *Seven Step Deliberation Process*, 2000)

School Teen Court Jury Evaluation

Please answer the following questions about your experience as a Juror. You may add remarks not covered by the questions on the back of this form. Thank you for serving as a Juror.

1. Did the body language of the Minor give you a strong message? Yes / No
What did it say? _____
2. Was the Minor able to tell his/her story? Yes / No
3. Was it difficult for the Jury to reach a unanimous decision? Yes / No
If so, why? _____
4. Were your opinions listened to by the other Jurors? Yes / No
5. Do you think the restorative consequences the Jury Panel gave the Minor will help him/her not repeat the infraction? _____
Why?_____
6. Give a brief description of your understanding of restorative justice.
_____
_____

School Teen Court Jury Evaluation

Please answer the following questions about your experience as a Juror. You may add remarks not covered by the questions on the back of this form. Thank you for serving as a Juror.

1. Did the body language of the Minor give you a strong message? Yes / No
What did it say? _____
2. Was the Minor able to tell his/her story? Yes / No
3. Was it difficult for the Jury to reach a unanimous decision? Yes / No
If so, why? _____
4. Were your opinions listened to by the other Jurors? Yes / No
5. Do you think the restorative consequences the Jury Panel gave the Minor will help him/her not repeat the infraction? _____
Why?_____
6. Give a brief description of your understanding of restorative justice.
_____
_____

School Teen Court
Jury Pass

Thank you, _____,

for your service to our school community.

_____ _____

Date Time Leaving Teen Court

_____

Teen Court Jury Bailiff

****

School Teen Court
Jury Pass

Thank you, _____,

for your service to our school community.

_____ _____

Date Time Leaving Teen Court

_____

Teen Court Jury Bailiff

2008-2009 School Teen Court Docket Form

Docket Number	Date	Minor's Initials	Classification	Infraction

School Teen Court Hearing Assignments
Week of _____

Tuesday's Hearing	Thursday's Hearing
Docket #	Docket #
Judge	Judge
Defense - Lead Attorney	Defense - Lead Attorney
Associate Attorney	Associate Attorney
Associate Attorney	Associate Attorney
Prosecution – Lead Attorney	Prosecution – Lead Attorney
Associate Attorney	Associate Attorney
Associate Attorney	Associate Attorney
Court Clerk	Court Clerk
Court Bailiff	Court Bailiff
Jury Bailiff	Jury Bailiff
Courtroom Set Up Assignments	**Courtroom Set Up Assignments**
Attorney Tables	Attorney Tables
Gallery Set-Up	Gallery Set-Up
Bar Set-Up	Bar Set-Up

School Teen Court Hearing
Teen Court Coordinator's Checklist
Prior to Hearing

_____ 1. *Potential Jurors* list sent to faculty prior to Hearing (Sent a minimum of four days)

Court Officials' clipboards prepared

_____ 2. Court Clerk - **TC Clerk**
Guideline
Order of Hearing
Clerk's Record of Hearing
Jury Report Form
Potential Jurors List Memo
Jury Summons prepared and assigned to Servers
Hearing Critiques
Minor's file folder

_____ 3. Court Bailiff – **TC Bailiff**
Guideline
Order of Hearing
Order and Dignity in the Courtroom

_____ 4. Jury Bailiff – **TC Jury Bailiff**
Guidelines
Order of Hearing
Potential Jurors List Memo
Jurors' Instructions Guidelines
Juror Badges
Juror's Oath of Confidentiality
Pencils for Jurors
Juror's Evaluations

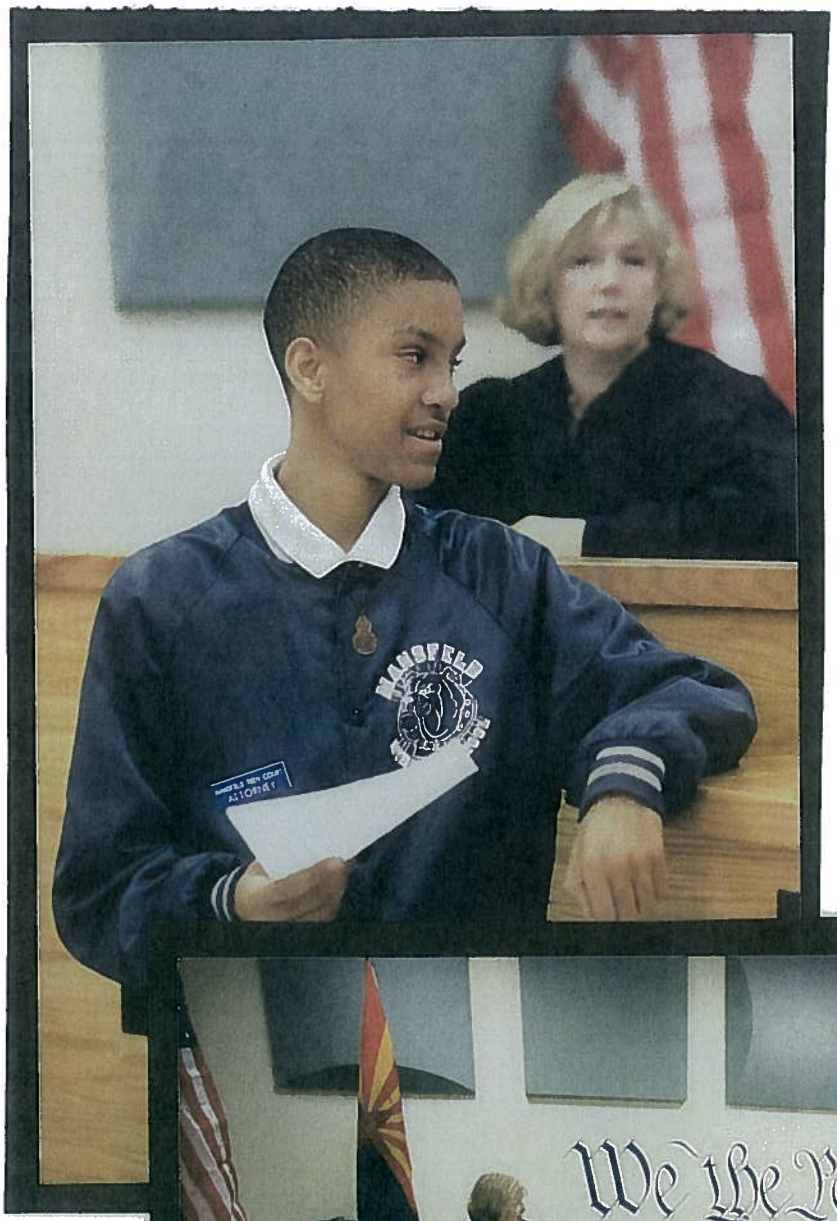
_____ 5. Judge's clipboard – **TC Clerk**
Judges Instruction
Order of Hearing
Judge's Robe
Judge's Gavel

School Teen Court Hearing
Teen Court Adult Mentor's Checklist
Prior to Hearing

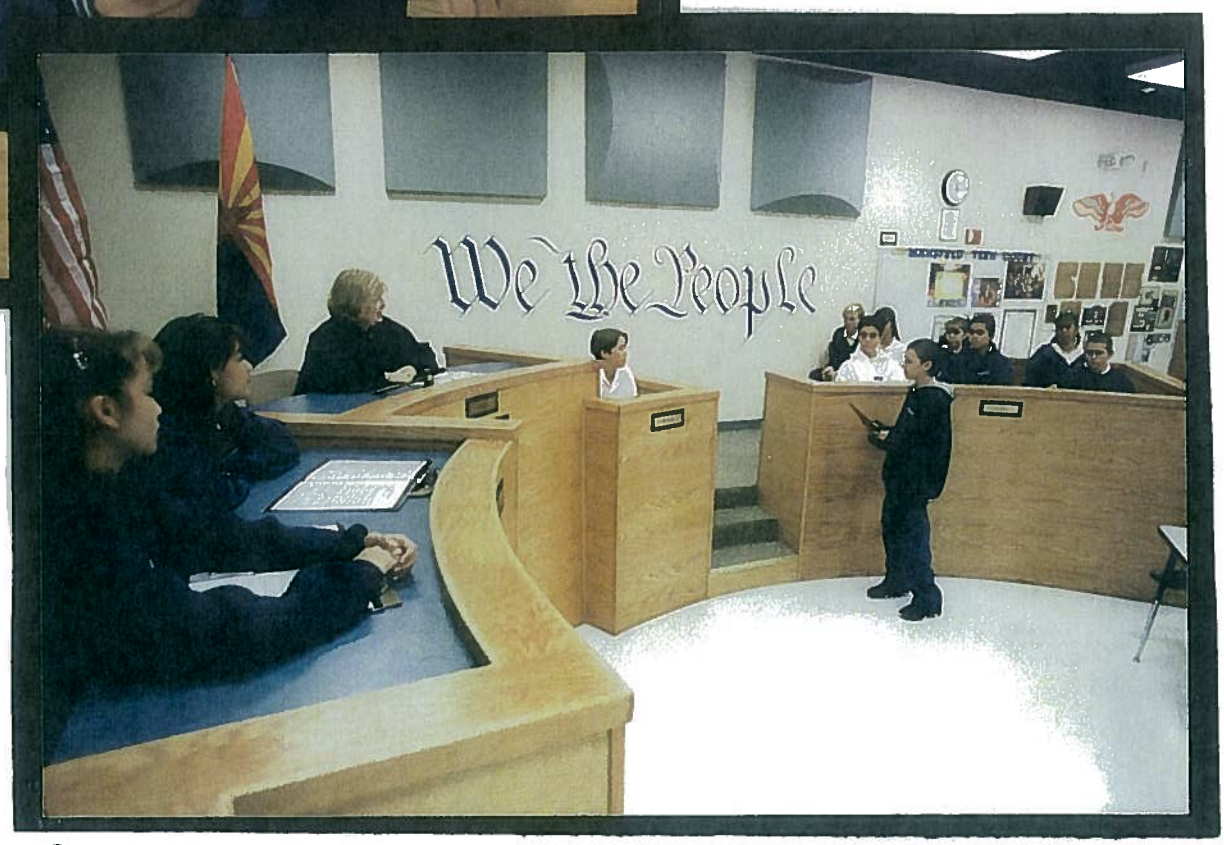
_____ 1. Jury Deliberation Room Materials
- Jury's Introduction to Restorative Justice
- Deliberation Process
- Felt Pens
- Chart paper
- Chairs in a circle

_____ 2. Exit Interview Materials
- *Envelope*
- *Progress Report Form*
- *Family Engagement Dinner Sign-Up Form*
- *Family Strengthening Sign-Up Form*
- *Letter of Apology Form*
- *Minor Evaluation Form*
- *Parent/Guardian Evaluation Form*
- File Folder
- Pens

TEEN COURT ATTORNEYS



An air of confidence is essential to an attorney.



Questioning is a method attorneys use to bring forth the facts of a case.

School Teen Court Attorneys Protocols

Prior Court Convenes

1. Attorneys in teams of two or three are assigned to cases. One Attorney is selected to be Lead Attorney. That person stays with the Minor at all times and introduces the other Attorneys during Courtroom introductions.

2. Both the Defense and Prosecution Teams prepare their cases.

3. Local Attorneys, law school students and/or Teen Court Coordinator can assist in case preparation.

4. Prosecution uses the referrals, the assistant principal's report, Victim and Community's Impact Statements, and possible additional interview information from the referring parties to prepare their case.

5. Defense uses the referral, Victim and Community's Impact Statements and information provided by the Minor to plan their case. This team works with the Minor to understand the harms created by the infraction, explain the Court Process, introduce the Courtroom, and answer any questions.

6. No official documents may be taken from the Courtroom.

7. Ten minutes prior to the Hearing, the Defense Team meets with both the Minor and parent/guardian(s) to discuss the process and answer questions.

While Court is in Session

1. The Prosecution and the Defense Teams present their Opening Statements to the Jury.

2. Defense begins Direct Examination of the Minor (Minor is the Defense's witness) with the focus on mitigating circumstances.

3. Prosecution counters with Cross Examination of the Minor with the focus on aggravating circumstances.

4. Defense may redirect questions to the Minor if Prosecution presents new information in their questioning.

5. Prosecution may re-cross questions to the Minor only if the Defense Redirects and there is new information.

6. Pertinent and timely Objections are acceptable.

7. Prosecution and the Defense will offer Closing Arguments to the Jury bringing forth their main points, contradictions and other considerations.

After Court is Adjourned

Prosecution and Defense must turn in all notes, documents and case prep paperwork to the Court Clerk immediately following the Hearing to maintain confidentiality.

School Teen Court
Defense Team's Notes on Minor's Interview

Date of Interview: ___/___/___

1. Tell us what happened.

_____
_____
_____
_____
_____
_____
_____

2. What were you thinking of at the time?

_____
_____
_____
_____

3. What have you thought about since?

_____
_____
_____
_____
_____

4. Who was affected because of your actions? In what way were they affected?
(Check the ones the Minor identified. Prompt to identify the rest.)

☐ Victim:_____
Ways affected:_____
_____

☐ Community:_____
Ways affected:_____
_____

☐ Minor: _____
Ways affected:_____
_____

☐ Minor's Parents/Guardians: _____
Ways affected:_____
_____

5. What do you think you need to do to make things right:
   ☐ Victim:_____
   _____

   ☐ Community:_____
   _____

   ☐ Minor: _____
   _____

   ☐ Minor's Parents/Guardians: _____
   _____

6. Are you involved in any school activities? _____
   _____

7. What are some goals and/or hobbies would you like the Jury to know about you? _____
   _____

Adapted from Real Justice. www.realjustice.org

Build a Case
Defense / Prosecution

1. Brainstorm case facts.

Facts	
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

2. Identify relevant facts most important to the Defense/Prosecution case.

Facts – Defense/Prosecution Case
1.
2.
3.
4.

3. Develop two inferences per fact based on the Team's perspective.
These inferences must not use words that trigger emotional or false ideas.

Facts	Inferences
1.	1.
	2.
2.	3.
	4.
3.	5.
	6.
4.	7.
	8.

4. **Theory of the Case** (Use the inferences to formulate the Theory.)

_____

5. **Case Theme** (Use inferences to formulate the Theme.)

_____

6. Which of the inferences/facts indicate harm to the following?
a. Victim – _____

b. Community – _____

c. Minor - _____

(Your inferences/facts must include the harms resulting from the infraction.)

7. What were the harms experienced by the Minor's parents/guardians?

_____

8. How can each of the harms be repaired by the Minor?
a. Victim – _____
b. Community – _____
c. Minor – _____
d. Minor's parents/guardians – _____

8. Create questions that give the Minor the opportunity to state the inferences, explanation of harms and options to repair the harms.
[Remember: Jurors can only use the Minor's testimony in their deliberations.]

Inferences Based on Facts	Questions

Build a Case Rubric

	5	3	1
Facts	**More than three important facts relative to either the Defense/Prosecution perspective selected from a brainstormed list of at least seven facts.**	**At least three important facts selected from a brainstormed list of at least five facts.**	**At least three facts selected from a brainstormed list of three facts.**
Inferences	**At least two inferences per fact relative to either the Defense/Prosecution's perspective.**	**At least one inference per fact relative to either the Defense/Prosecution's perspective.**	**At least one inference per fact.**
Theory of the Case	**An inviting statement that defines the Defense/Prosecution's stand based on the inferences drawn from the facts; words are specific and carefully chosen to emphasize the perspective.**	**A statement that defines the Defense/Prosecution's stand based on the inferences drawn from the facts.**	**A statement that defines the Defense/Prosecution's, stand.**
Theme	**A simple, catchy phrase or sentence that sums up the Theory of the Case.**	**A simple phrase or sentence that sums up the Theory of the Case.**	**A sentence about the case.**
Questions	**A series of questions which will stimulate answers that present the facts and inferences of the case; sequenced from least important to most important.**	**A series of questions which will stimulate answers that present most of the facts and inferences of the case.**	**A series of questions that do little to stimulate answers of the facts and inferences of the case.**

Prosecution Team
Case Template

Date _____ Docket Number _____

Opening:

This case is about _____ .
(Theme)

On _____, in _____, the Minor
(Day/Date) (Location)

committed _____ .
(Infraction)

I will now tell you the facts of this case. (Present this as a story with a beginning, middle, and end.)

_____

_____

_____

_____

As you listen to the Minor's testimony, ask yourself:

What harms did the infraction cause others?

Is the Minor sorry for committing the infraction?

Does the Minor understand the harms caused by his/her actions?

_____

_____

(Theory of the Case)

You will hear how the Minor's actions caused the Victim to suffer

_____

(Harms Identified in the Victim Impact Statement)

You will also hear how the Minor's action harmed the Community. Your Community!

_____

As you listen to the Minor's testimony, remember we are not here to punish the Minor, but to hold him/her accountable for his/her actions. He/She needs to understand that it is important to all of us that he/she does not repeat this infraction and that he/she will repair the harms his/her actions created.

Thank you.

Examination:

State the inferences (minimum of three) you want the Minor to say. List all the questions you need to ask to get the Minor to state for each inference.

_____

_____

_____

_____

_____

_____

_____

_____

_____

No further questions at this time, Your Honor.

Closing:

Give brief opening remarks, such as reminding the Jury of the three major restorative justice concepts - harms and needs, obligations, and engagement.

_____

_____

_____

Review the evidence and inferences that supported your Theory of the Case.

_____

_____

_____

_____

Recommend restorative consequences that would:

1. repair the harms caused by the Minor's infraction, and
2. deter the Minor from repeating the infraction.

_____

_____

_____

Thank you.

Defense Team
Case Template

Date _____ Docket Number _____

Opening:

This case is about _____.
(Theme)

_____, a _____ member of our
(Minor's Name) (Grade Level)

_____ community, has admitted to _____.
(School) (Infraction)

This is an important fact. _____ has come before the Court to
(Minor's Name)

seek our help to repair the harms created by his/her actions.

(Present the Theory of the Case)

_____

_____

(Lay out the facts of the case with particular emphasis on personalizing the Minor. *Jurors tend to want to help people they like. Include activities at school and home that will help the Jurors relate to the Minor.)*

_____

_____

_____

_____

You will hear _____ explain:
(Minor's Name)

(Give the inferences that support the Theory of the Case.)

Inference One:

_____

Inference Two:

_____

Inference Three:

_____

I want to remind you that _____ has admitted to the
(Minor's Name)

infraction and has also been cooperative in Teen Court process. Please listen closely to _____ testimony and consider consequences which
(Minor's Name)

will help him/her to once again be a contributing member of our school community.

(May include following after the inferences.)

_____ has already been given consequences for his/her
(Minor's Name)

actions by his/her parents/guardians.

Thank you.

Examination:

State the inferences (minimum three) you want the Minor to say. List all the questions you need to ask, to get the Minor to state the inference.

_____

_____

_____

_____

_____

_____

_____

_____

No further questions at this time, Your Honor.

Closing:

Give brief opening remarks, such as reminding the Jury that the Minor volunteered to come before the Court for help and has been truthful in his/her admission of committing the infraction.

Remind Jurors of the Minor's testimony supporting your Theory of the Case. _____

_____

_____

_____

Recommend restorative consequences that would:

1. repair the harms caused by the Minor's infraction, and
2. deter the repeating the infraction.

_____

_____

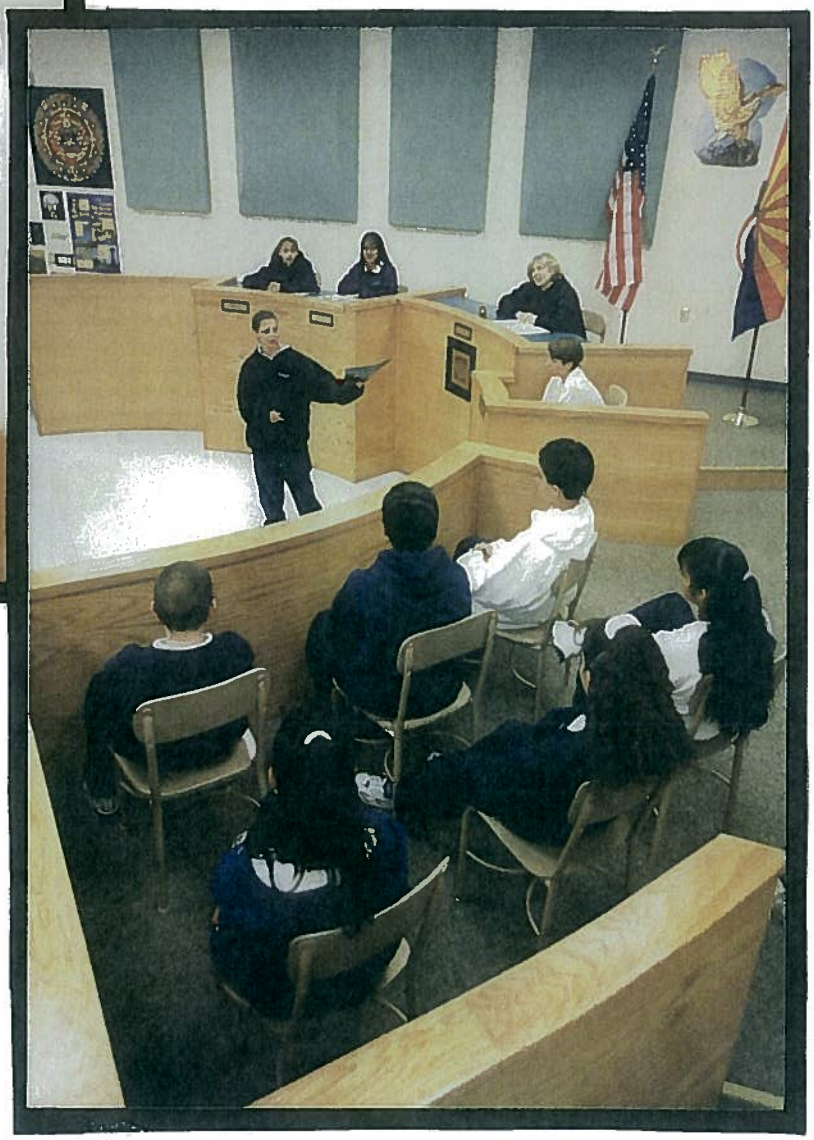
Thank you.

Attorney Rubric

	3	2	1
Prior to Hearing	Case preparation completed the day before the Hearing.	Case preparation completed, just prior to Hearing.	Does not have a case prepared.
During the Hearing	Focused on responsibilities including: Speaking conversationally with Jury using cards for reference. Stands and addresses the Judge with: "Your Honor" at all times. Collaborates effectively with team members. Speaks with strong authoritative voice.	Focused on the responsibilities including: Speaking with Jury using cards over 50% of the time. Stands and addresses the Judge with: "Your Honor" most of the time. Collaborates with team members. Speaks with strong voice.	Distracted throughout Hearing indicated by: Reading to the Jury Has to be reminded consistently to stand and address the Judge with: "Your Honor." Does not collaborate with team members. Is difficult to hear in the Courtroom.
Documentation	Paperwork collected, organized and turned into the Clerk.	Paperwork collected and turned into the Clerk.	Other people have to collect the paperwork.
Following the Hearing	Completes the academic paper with a minimum rubric score of 15 prior to the due date. See *Bar II's Rubric.*	Completes the academic paper with a minimum rubric score of 12. See *Bar II's Rubric.*	Turns in academic paper late with a rubric score below 9. Must redo. See *Bar II's Rubric.*
Leadership Responsibility	Appearance and behavior demonstrates respect for the community	Appearance and behavior is supportive of the community	Appearance and behavior unbecoming of a leader in the community

TEEN COURT CLERK

Court Clerk swears in the Minor.



Court Clerk documents the Court proceedings.

School Teen Court Clerk Protocols

Before Court Convenes

1. Dispense the *Case Feedback* forms to classmates not directly involved in the Court Hearing.

2. Greet the visiting Judge and provide robe, gavel, *Order of Hearing* and case description.

3. The *Jury Report Form* and *Court Record Form* are prepared.

While Court is in Session

1. Judge will ask the case to be called. The Clerk stands and says

   Your Honor,
   Today's case is Docket # _____,
   School versus _____. (name of Minor)
   The infraction is _____. (infraction category)

2. Judge will ask the Jury to be sworn in. The Clerk stands, faces the Jury Box, and says

   Please stand, raise your right hand and repeat after me ...
   I solemnly affirm
   that I will give careful attention
   to all proceedings
   which are to take place in my presence,
   and will not divulge to anyone,
   any information which comes to my knowledge
   as a result of these Teen Court proceedings.

3. Judge will ask the Court Clerk to call the Minor. Court Clerk stands and calls,

   _____, please take your place in the Minor's Box.

4. Judge will ask Minor to be sworn in. The Clerk stands, faces the Minor and says

Please stand and raise your right hand.
Do you promise to tell the truth,
the whole truth, and
nothing but the truth.

5. The Jury Bailiff collects *Jury Report Form* from Court Clerk.

After Court is Adjourned

1. Collect and file the following documents:

From the Jury Bailiff

Oaths of Confidentiality
Jurors' Evaluation
Jurors' notes
Potential Jurors List
Jury Summons

From the Court Bailiff

Order and Dignity in the Courtroom form

From the Attorneys

All case-related paperwork

From the Teen Court students

Feedback Forms

School Teen Court
Jury Report Form
Docket Number _____

Jury Instructions You will select a Fore Person. As a group. discuss the testimony and decide how to help the Minor repair the harms to self and others. Your decision must be unanimous. When ready. please notify the Jury Bailiff.

Fore Person reads the following to the Court

"We, the Teen Court Jury, recommend the Minor receive the following restorative consequences as restitution to the harms created through your actions."

Mandatory Consequences

__X__ Basic Training on Communication
_____ Letter of Apology (to: _____ and _____)
__1__ Jury Duty

Optional Consequences

_____Essay (school/city newspaper, Big Book, chapter book)
_____Report (based on interviews, internet, books, articles)
_____Community Service (relative to offense) [Hours ___]
_____Tutoring [Hours ___]
_____Other [Activity _____] [Hours ____]

Jury Comments

_____

_____

Fore Person: ***"So say we all."***

_____ Signature of the Fore Person

_____ Signature of the Presiding Judge

School Teen Court
Court Clerk's Record of Hearing

Docket # _____ **Date** _____

Minor _____

Minor's Offense _____

Name of parent(s)/guardian(s) in attendance: _____

Defense Attorneys
Lead _____
Associates _____
_____

Prosecuting Attorneys
Lead _____
Associates _____
_____

Clerk _____ **Court Bailiff** _____ **Jury Bailiff** _____

Description of Evidence	**Submitted By**
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

Jury Fore Person _____

Consequences handed down by the Jury

1. **Mandatory - Letters to** _____
2. **Additional Consequences**
   - **a.** _____
   - **b.** _____
   - **c.** _____

Observer _____

Observation Date _____

School Teen Court Feedback Form

Case Docket #_____

Instructions: Respond to statement by circling 1, 2, or 3 or responding to the short answer blanks.

1 = Approaching
2 = Meets
3 = Exceeds

Opening Statements

1. Prosecution's *Opening Statement* presented a Theory of the Case. 1 2 3

2. Give a phrase or two describing each part of the Prosecution's *Opening Statement*.
   a. Theme _____
   b. Theory of the Case _____

3. Prosecution's *Opening Statement* was accurate, based on facts and inferences relative to the Theory of the Case. 1 2 3

4. Prosecution offered aggravating circumstances in the *Opening Statement*. 1 2 3

5. Prosecution's *Opening Statement* told a clear, logical story. 1 2 3

6. The Prosecution's *Opening Statement* identified the harms. 1 2 3

7. Did the Prosecution look at the jurors during *Opening Statement*? Yes / No

8. Defense's *Opening Statement* presented a Theory of the Case. 1 2 3

9. Give a phrase or two describing each part of the Defense's *Opening Statement*.
   a. Theme _____
   b. Theory of the Case _____

10. Defense's *Opening Statement* was accurate, based on facts and inferences relative to the Theory of the Case. 1 2 3

11. Defense offered mitigating circumstances in the *Opening Statement*. 1 2 3

12. Defense's *Opening Statement* told a clear, logical story that helped the Jury relate to the Minor. 1 2 3

13. Did the Defense look at the jurors during *Opening Statement*? Yes / No

Examination

14. Defense's questions were relative to the Theory of the Case. 1 2 3

15. Defense's questions were open-ended allowing the Minor to speak in detail. 1 2 3

16. Defense positioned him\herself so the Minor faced the jury to testify. 1 2 3

17. Defense demonstrated listening skills as the Minor spoke. 1 2 3

18. Defense used follow-up questions for clarification to general statements. 1 2 3

19. Defense conferred with associates before the examination was concluded. 1 2 3

20. Prosecution's questions were relative to the Theory of the Case. 1 2 3

21. Prosecution's questions allowed the Minor to speak in detail. 1 2 3

22. Prosecution positioned him\herself so the Minor faced the jury to testify. 1 2 3

23. Prosecution demonstrated listening skills as the Minor spoke. 1 2 3

24. Prosecution used follow-up questions for clarification to general statements. 1 2 3

25. Prosecution conferred with associates before the examination was concluded. 1 2 3

Closing Arguments

26. Prosecution's *Closing Argument* emphasized the *Theory of the Case*. 1 2 3

27. Prosecution's *Closing Argument* summarized the aggravating circumstances presented in the Minor's testimony. 1 2 3

28. Prosecution's consequence recommendations addressed repairing the harms presented. 1 2 3

29. Defense's *Closing Argument* emphasized the *Theory of the Case*. 1 2 3

30. Defense's *Closing Argument* summarized the mitigating circumstances presented in the Minor's testimony. 1 2 3

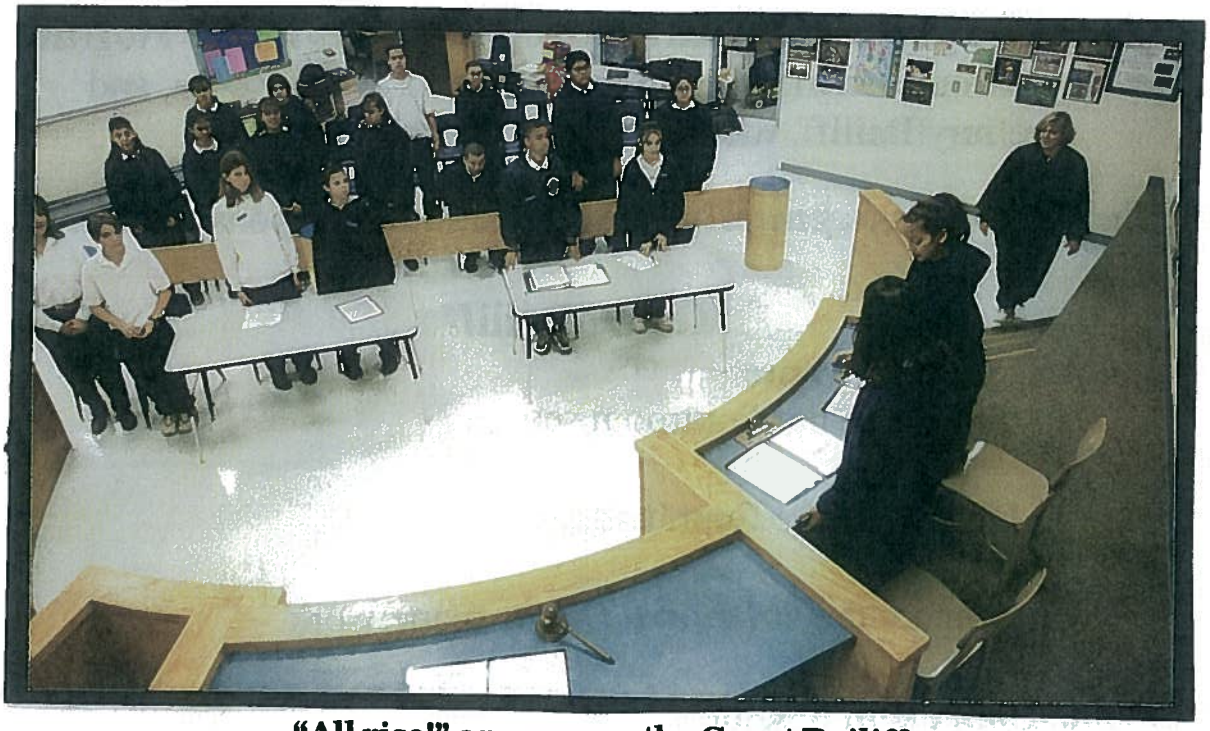
31. Defense's consequence recommendations addressed repairing the harms presented. 1 2 3

32. On a separate sheet of paper, write a summary of the case. Include your perspective of the overall success of the Hearing with supporting evidence. Also, point out a particularly effective moment during the Hearing and a specific area that needs work.

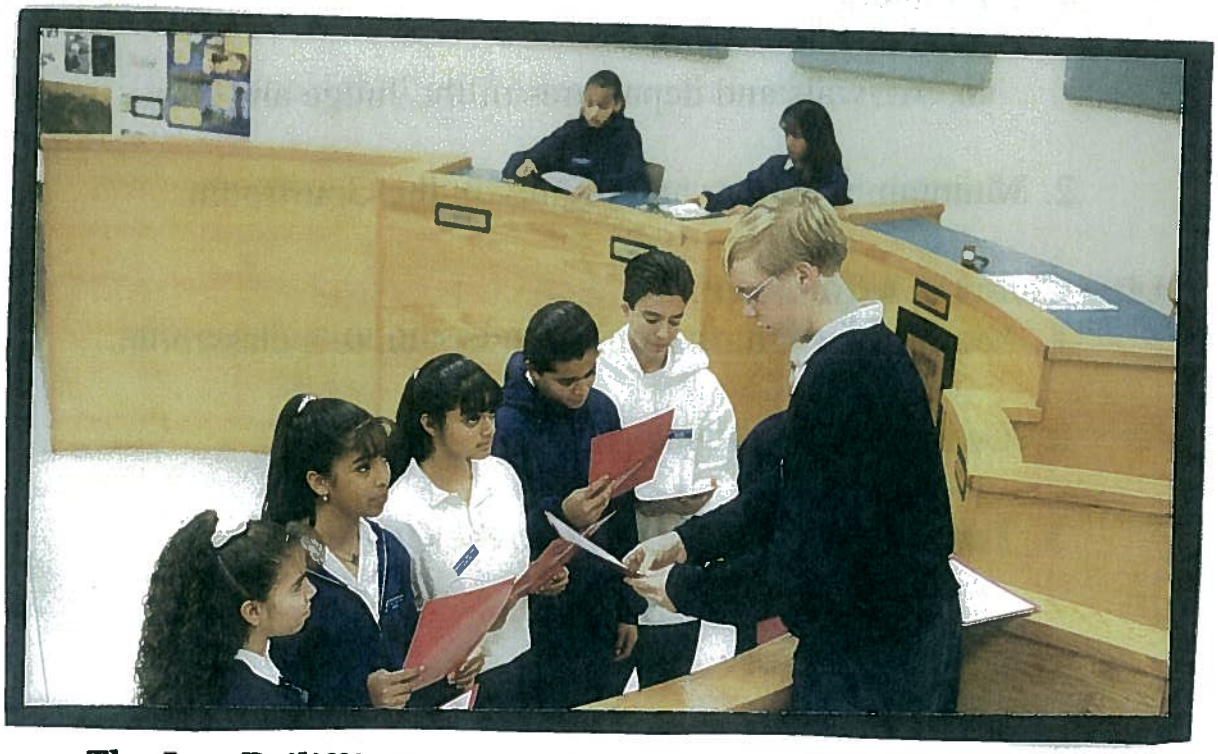
Court Clerk Rubric

	3	2	1
Prior to Hearing	Prepare Court Clerk's clipboard the day before the Hearing with the following: *Court Clerk Guidelines* *Order of the Hearing* *Jury Report Form* *Clerk Records* *Feedback Forms* Summons completed and sent out with the Court Servers prior to the passing period. Distributes the Feedback Forms before the Hearing. Greets and prepares the Judge immediately upon his/her arrival.	Prepare Court Clerk's clipboard on day of the Hearing, but prior to Hearing with the following: *Court Clerk Guidelines* *Order of the Hearing* *Jury Report Form* *Court Clerk* *Feedback Forms* Summons completed and sent out with the Court Servers during the passing period. Delays Hearing because of distributing the Feedback Forms. Greets and prepares the Judge upon his/her arrival.	Does not have the Court Clerk's clipboard prepared before the Hearing Summons not delivered in a timely fashion Does not distribute the Feedback Forms to all students in Gallery. Does not interact with the Judge.
During the Hearing	Stays focused on responsibilities including: speaking in a strong, commanding voice and in a timely manner. Completes paperwork during the Hearing	Stays focused on the responsibilities including: speaking in a strong voice. Completes most of the paperwork during the Hearing	Distracted throughout Hearing indicated by: speaking not heard and delayed. Does not complete the paperwork during the Hearing
Documentation Following Hearing	Paperwork collected, organized and turned into the Coordinator	Paperwork collected and turned into the Coordinator.	Other people have to collect the paperwork.
Leadership Responsibility	Appearance and behavior demonstrates respect for the community	Appearance and behavior is supportive of the community	Appearance and behavior unbecoming of a leader in the community

TEEN COURT BAILIFFS



"All rise!" announces the Court Bailiff.



The Jury Bailiff instructs the Jurors as to their responsibilities.

School Teen Court Bailiffs' Protocols

There are two types of Bailiffs in the TUSD Peer Justice Program: the Court Bailiff, who is in charge of the courtroom, and the Jury Bailiff, who is in charge of the Jury.

The following is a general guide to the Bailiffs responsibilities.

Court Bailiff

Before Court Convenes

1. Supervise the Courtroom set up.

2. Distribute the Court badges.

3. Prepare the *Order and Dignity* paperwork.

While Court is in Session

1. Announce
    a. Court in session
    b. Arrivals and departures of the Judge and Jury

2. Maintain the order and dignity in the Courtroom.

After Court is Adjourned

1. Monitor the Courtroom's conversion to a classroom.

2. Collect Court badges.

3. Turn in official paperwork to the Court Clerk.

Jury Bailiff

Before Court Convenes

1. Check off Jurors' names on the *Potential Jurors List.*

2. Collect the *Jury Summons.*

3. Distribute Jurors' badges and clipboards.

4. Instruct Jurors to read the *Jury Instructions* form.

5. If a Juror has not arrived within five minutes of the appointed time, notify Teen Court Coordinator of any missing Jurors.

6. Select the two Jurors from each grade level and give them a Juror number on the Jury Summons. The Minor from a previous Hearing must be one of the Jurors selected. This occurs while the Adult Mentor gives the Jurors an introduction to restorative justice and their responsibilities as Jurors.

7. Explain the *Oath of Confidentiality* to the Jurors and have them sign the form.

8. Collect the forms.

While Court is in Session

1. Monitor the Jury.

2. Select a new Juror if one is dismissed during the *voire dire* segment of the Hearing.

3. Fill out *Jurors' Passes.*

4. Escort the Jury to and from the Deliberation Room.

5. Collect *Jury Report Form* before returning Jurors to Jury Box.

6. Hand *Jury Report Form* to Judge when asked.

7. Return Jury Report Form to the Jury Fore Person.

After Court is Adjourned

1. Distribute the *Jury Passes* and collect Jurors' badges.

2. Thank Jurors for their services.

3. Escort them out of the Courtroom reminding them of their promise of confidentiality.

4. Clean up the Jury Deliberation Room.

5. Organize all Jurors' paperwork and turn it in to the Court Clerk.

School Teen Court
Order and Dignity of the Courtroom

Docket Number _____
Date of Case ___/___/___
Court Bailiff _____
Presiding Judge _____

List any disruptive incidences which occurred during the Hearing. Include the names of the individuals involved in the disorderly behavior. Indicate if you had to intervene. If intervention was necessary, describe the action you took.

Incident	Individuals Involved	Intervention Necessary? Y/N	Action
1.			
2.			
3.			
4.			
5.			

Court Bailiff Rubric

	3	2	1
Prior to Hearing	Prepare Court Bailiff's clipboard the day before the Hearing with the following: *Court Bailiff Guidelines* *Order of the Hearing* *Order and Dignity of the Courtroom*	Prepare Court Bailiff's clipboard on day of the Hearing, but prior to Hearing with the following: *Court Bailiff Guidelines* *Order of the Hearing* *Order and Dignity of the Courtroom*	Does not have the Court Bailiff's clipboard prepared before the Hearing
During the Hearing	Stays focused on responsibilities including: making announcements in a strong, commanding voice and in a timely manner. Effectively maintains an order and dignity in the Courtroom.	Stays focused on the responsibilities including: making announcements in a strong voice. Maintains an order and dignity in the Courtroom.	Distracted throughout Hearing indicated by: announcements not heard and delayed. Allows disrespectful behavior in the Courtroom
Documentation	Paperwork collected, organized, and turned into the Clerk.	Paperwork collected and turned into the Clerk.	Other people have to collect the paperwork.
Following the Hearing	Organizes the Courtroom.	Partially organizes the Courtroom.	Leaves the Courtroom in disarray.
Leadership Responsibility	Appearance and behavior demonstrates respect for the community	Appearance and behavior is supportive of the community	Appearance and behavior unbecoming of a leader in the community

Jury Bailiff Rubric

	3	2	1
Prior to Hearing	Prepared 9 Juror clipboards the day before the Hearing with the following documents: *Jury Instructions* *Jury Oath of Confidentiality* *Paper* *Pen* *Juror Evaluation* Prepare Jury Bailiff's clipboard the day before the Hearing with the following: *Jury Guidelines* *Order of the Hearing Jury Passes* *Potential Jury Memo* *Thank You stamp*	Prepared 9 Juror clipboards on day of Hearing, but prior to Hearing with the following document: *Jury Instructions* *Jury Oath of Confidentiality* *Paper* *Pen* *Juror Evaluation* Prepare Jury Bailiff's clipboard on day of the Hearing, but prior to Hearing with the following: *Jury Guidelines* *Order of the Hearing* *Jury Passes* *Potential Jury Memo* *Thank You stamp*	Does not have the 9 Juror clipboards prepared before the Hearing. Does not have the Jury Bailiff's clipboard prepared before the Hearing
During the Hearing	Focused on responsibilities including: Jury seated by 10 minutes after the tardy bell. Checks in Jurors smoothly and efficiently. Jury Report exchange smooth and efficient.	Focused on the responsibilities including: Jury seated by 15 minutes after the tardy bell. Checks in the Jurors smoothly. Jury Report exchange smooth.	Distracted throughout Hearing indicated by: Jury seated after 15 minutes after the tardy bell. Gets distracted from checking in Jurors. Ineffective Jury Report exchange.
Documentation	Paperwork collected, organized and turned into the Clerk.	Paperwork collected and turned into the Clerk.	Other people have to collect the paperwork.
Following the Hearing	Dismisses Jurors smoothly and efficiency. Jurors reminded of promise.	Dismisses Jurors smoothly. Jurors reminded of promise	Passes not prepared/Jurors not reminded of promise
Leadership Responsibility	Appearance and behavior demonstrates respect for the community	Appearance and behavior is supportive of the community	Appearance and behavior unbecoming of a leader in the community

TEEN COURT JUDGE

The Judge's position must be the central focus of a courtroom.

The Judge's position oversees all action in the courtroom.

School Teen Court
Judge's Instructions

Introduction

To the Court
The case today involves _____ . (State the nature of the offense.)

To the Prosecution's Lead Attorney
Please introduce yourself and your associates.

To the Defense's Lead Attorney
Please introduce yourself, your associates, the Minor and his/her parent/guardian.

To the Jury
Do you understand this Hearing's purpose is to help a student (the Minor), understand the harms he/she created by breaking a school rule?

Do you understand your job as a Teen Court Juror is to help the Minor repair harms caused by his/her actions and not to punish the Minor?

Do you understand the Minor admitted to the infraction?

Do any of you know the student? ***(Can you be fair in your decisions?)***

Do any of you know anything about the case? ***(..... fair in your decision?)***

Can you wait to make a decision until all the facts are presented?

To the Attorneys
Do any Attorneys have objections to a specific Juror?
(If an objection is raised, request Attorneys from both sides to approach the Bench. The removal of a Juror is decided solely on the merits of the Attorneys' arguments.)

To the Jury

We will accept you as our Jury . . . (Skip to the next "To the Court Clerk")

OR

Thank you for your services today. Please follow the Jury Bailiff.

To the Jury Bailiff

Jury Bailiff, please call another Juror.

To the new Juror

I will now ask the same questions as before . . . **(voir dire the Juror)**

To the Court Clerk

Court Clerk, please swear in the Jury.

To the Prosecution Team

Are you ready for the case to proceed?

To the Defense Teams

Are you ready for the case to proceed?

To the Jurors

You will be given an opportunity to ask the Minor questions after the Attorneys' examinations. The paper is for note taking. Any questions?

To the Court

We shall proceed.

Opening Statements

To the Attorney Teams

Is the Prosecution ready with the Opening Statements?
Is the Defense ready with the Opening Statement?

Examination

To the Court Clerk
Court Clerk, please call the Minor.

To the Court Clerk
Court Clerk, please swear in the Minor.

To the Defense
Are you ready to examine the Minor?

To the Prosecution
Are you ready to cross examine the Minor?

To the Defense
Do you have a redirect for the Minor?

To the Prosecution Team (Only following a *redirect*)
Prosecution, would you like to re-cross?

To the Jury
Do you have any questions you would like to ask the Minor?

To the Minor
Please step down.

To the Prosecution
Are you ready for Closing Arguments? Please proceed.

To the Defense Team
Are you ready for Closing Arguments? Please proceed.

To the Jurors

I will now tell you the rules you must follow to decide this case. The only evidence in this case is the testimony of the Minor. Opinions of the Attorneys are not evidence, but may help you to understand the evidence.

You are not here to consider the guilt or innocence of the Minor. The guilt has already been established. Your job is to determine the restorative consequences. Do not consider these consequences as punishment for the Minor. Restorative consequences are to help the Minor repair the harms caused by his/her actions and to not repeat the infraction.

When you retire to the Jury Room, your first order of business will be to select a Fore Person. You will then determine the restorative consequences based on the evidence in this case.

Your decision must be unanimous.

To the Jury Bailiff

Jury Bailiff, please collect the Jury Report Form from the Court Clerk and retire the Jury to the Deliberation Room.

Closing Arguments

To the Prosecution

Are you ready for closing arguments? Please proceed.

To the Defense

Are you ready for closing arguments? Please proceed.
(If attorneys do not recommend a sentence in their closing statements, the judge will need to ask what consequences are recommended by each side.)

Deliberation Instructions to Jury

I will now tell you the rules you must follow to decide this case. The only evidence is the Minor's testimony. Attorneys' opinions are not evidence, but may help you to understand the evidence.

You are not here to consider the guilt or innocence of the Minor. Your job is to determine the restorative consequences that will help the Minor repair the

harms caused by his/her actions and to not repeat the infraction. Do not consider these consequences as punishment for the Minor.

When you retire to the Jury Room, your first order of business will be to select a Fore Person. You will then determine the restorative consequences based on the evidence in this case.

Your decision must be unanimous.

To the Jury Bailiff
Jury Bailiff, please collect the Jury Report Form *from the Court Clerk and then retire the jury to the Deliberation Room.*

After Jury Deliberation

To the Jury Bailiff
Has the Jury reached a verdict?

To the Jury Bailiff
Jury Bailiff, please bring me the ***Jury Report Form.***
Judge quickly reads and signs the "*Jury Report Form*;" then hands it to the Jury Bailiff, who in turn returns it to the Fore Person. (The Judge has the option to poll Jurors and return them to the Deliberation Room to reconsider their consequences. However, the consequences may not be set aside.)

To the Minor
(Minor's name), please stand and face the Jury.

To the Jury Fore Person
Jury Fore Person, please stand and read the Jury's restorative consequences.

To the Minor
Do you understand the consequences? (Answer any questions that might occur.)

To the Defense Team
Defense Team, please escort the Minor and his/her parent to the Exit Interview Room.

To the Jury Bailiff

Jury Bailiff, collect the Jury Report Form from the Fore Person and take it to the Adult Mentor in the Exit Interview Room.

To the Jury

Thank you for your important work as a member of the Teen Court Jury. I appreciate the careful attention you gave to the Minor's story and the decision-making process needed to reach your decision.

Remember your promise to keep all that occurred in court today confidential. The purpose of this Hearing was to help a student repair the harms created because of his/her actions and to support him/her in not repeating the school infraction.

The fact that the Minor admitted to the infraction and voluntarily agreed to seek positive help in an environment of confidentiality, must be respected.

Please honor your promise.

Report to your Jury Bailiff to complete the necessary paperwork.

To the Court

Court Adjourned. **(Judge raps the gavel.)**

School Teen Court
Order of the Hearing

1. **Jurors are lead to their places in the Jury Box by the Jury Bailiff.**

2. **Court Bailiff raps the gavel and announces,**
   Please Rise.

3. **Court Bailiff announces,**
   School Teen Court is now in session.
   The Honorable _____ *presiding.*
   (Judge comes in.)

4. **After Judge is seated at the Bench, Court Bailiff states,**
   You may be seated.

5. **Court Clerk calls,**
   Your Honor,
   Today's case is Docket # _____,
   School versus _____.
   (Minor's name)
   The offense is _____.
   (Category of Infraction)

6. **Judge's Introduction**
   I understand that the case today involves _____.

7. **To the Prosecution Team's Lead Attorney**
   Please introduce yourself and your associates.

8. **To the Defense Team's Lead Attorney**
   Please introduce yourself, your associates, the Minor and his/her parent/guardian.

9. Judge *voir dires* the Jury

Do you understand this Hearing's purpose is to help a student (the Minor), understand the harms he/she created by breaking a school rule?

Do you understand your job as a Teen Court Juror is to help the Minor repair harms caused by his/her actions and not to punish the Minor?

Do you understand the Minor admitted to the infraction?

Do any of you know the student? ***(Can you be fair in your decisions?)***

Do any of you know anything about the case? ***(..... fair in your decision?)***

Can you wait to make a decision until all the facts are presented?

10. Judge to Attorneys

Do any Attorneys have objections to a specific Juror?

(If an objection is raised, request Attorneys from both sides to approach the Bench. The removal of a Juror is decided solely on the merits of the Attorneys' arguments.)

11. Judge to Jury

We will accept you as our Jury . . . **(Skip to #14)**

OR

Thank you for your services today. Please follow the Jury Bailiff.

12. Judge to Jury Bailiff

Jury Bailiff, please call another Juror.

13. Judge to new Juror

I will now ask the same questions as before . . . **(voir dire the Juror)**

14. Judge to Court Clerk

Court Clerk, please swear in the Jury.

15. Court Clerk swears in the Jury

Please stand, raise your right hand and repeat after me ...
I solemnly affirm
I will give careful attention
to all proceedings
which are to take place in my presence,
and will not divulge to anyone,
any information which comes to my knowledge
as a result of these Teen Court proceedings.

16. Judge to the Attorney Teams
Prosecution, are you ready for the case to proceed?
Defense, are you ready for the case to proceed?

17. Judge to Jury
You will be given an opportunity to ask the Minor questions after the Attorneys' examinations. The paper is for note taking. Any questions?

18. Judge to the Attorney Teams
Is the Prosecution ready with the Opening Statement?
Is the Defense ready with the Opening Statement?

19. Judge to Court Clerk
Court Clerk, please call the Minor.

20. Court Clerk calls the Minor,
_____, *please take your place in the Minor's Box.*

21. Judge to Court Clerk
Court Clerk, please swear in the Minor.

22. Court Clerk swears in the Minor,
Please stand and raise your right hand
Do you promise to tell the truth,
the whole truth, and
nothing but the truth?

23. Judge to Defense Team
Are you ready to examine the Minor?

24. Defense Team begins direct examination.

25. Judge to Prosecution Team:
Are you ready to cross examine the Minor?

26. Prosecution begins cross examination

27. Judge to Defense Team
Defense, would you like to redirect?

28. If Defense Team has no redirect questions, Lead Attorney says,
Defense rests. **(*Redirect* only on information elicited in *cross*.)**

29. Judge to Prosecution Team (Only following a *redirect*, otherwise go to 30.)
Prosecution, would you like to re-cross?

30. Judge to Jury
Do you have any questions you would like to ask the Minor?

31. Judge to Minor
Please step down.

32. Judge to Prosecution
Are you ready for Closing Arguments? Please proceed.

33. Judge to Defense Team
Are you ready for Closing Arguments? Please proceed.

34. Judge to Jurors
I will now tell you the rules you must follow to decide this case. The only evidence is the Minor's testimony. Attorneys' opinions are not evidence, but may help you to understand the evidence.

You are not here to consider the guilt or innocence of the Minor. Your job is to determine the restorative consequences that will help the Minor repair the harms caused by his/her actions and to not repeat the infraction. Do not consider these consequences as punishment for the Minor.

When you retire to the Jury Room, your first order of business will be to select a Fore Person. You will then determine the restorative consequences based on the evidence in this case.

Your decision must be unanimous.

35. Judge to Jury Bailiff
Jury Bailiff, please collect the Jury Report Form from the Court Clerk and then retire the Jury to the Deliberation Room.

36. When the Jury stands, the Court Bailiff announces,
All rise.

37. After the Jury leaves the Courtroom, Court Bailiff states,
Please be seated.

38. When the Jury returns to the Courtroom, Court Bailiff announces,
All Rise.

39. Once the Jury is seated, Court Bailiff states,
Be seated.

40. Judge to Jury Bailiff
Has the Jury reached a verdict?

41. Jury Bailiff stands and says,
Yes, Your Honor.

42. Judge to Jury Bailiff
Jury Bailiff, please bring me the Jury Report Form.

43. Judge quickly reads and signs the "*Jury Report Form*;" then hands it to the Jury Bailiff, who in turn returns it to the Fore Person.
(The Judge has the option to poll Jurors and return them to the Deliberation Room to reconsider their consequences. However, the consequences may not be set aside.)

44. Judge to Minor
(Minor's name), please stand and face the Jury.

45. Judge to Jury Fore Person
Jury Fore Person, please stand and read the Jury's restorative consequences.

46. Judge to Minor
Do you understand the Jury's consequences? **(Answer any questions.)**

47. Judge to Defense Team
Defense Team, please escort the Minor and his/her parents/guardians to the Exit Interview Room.

48. Judge to the Jury Bailiff

Jury Bailiff, collect the Jury Report Form from the Fore Person and take it to the Adult Mentor in the Exit Interview Room.

49. Judge to the Jury

Thank you for your important work as a member of the Teen Court Jury. I appreciate the careful attention you gave to the Minor's story and the decision-making process needed to reach your decision.
Remember your promise to keep all that occurred in court today confidential. The purpose of this Hearing was to help a student repair the harms created because of his/her actions and to support him/her in not repeating the school infraction.

The fact that the Minor admitted to the infraction and voluntarily agreed to seek positive help in an environment of confidentiality, must be respected.

Please honor your promise.

Report to your Jury Bailiff to complete the necessary paperwork.

50. Judge to the Court

Court Adjourned. **(Judge raps the gavel.)**

51. Court Bailiff announces,

All rise. **(The Judge leaves the Bench.)**

School Teen Court
Exit Interview

The Judge will instruct the Court Bailiff to take the *Jury Report Form* and escort the Minor and his/her parent to meet with the Adult Mentor.

Interview procedure

1. Ask the Minor and parent/guardian if there are any questions about the Hearing.

2. Hand the Minor a large envelope on which he/she can write the following information:
   a. Give the Minor the *Apology Letter Format* and schedule a due date.

   b. Schedule the Communication Workshop.

   c. Schedule the Jury Duty date.

   d. Schedule the next meeting between the Minor and the Adult Mentor.

   e. Schedule the meeting between the Minor and the School Counselor.

Constructive Consequences Follow-Through

The Minor and the parent/guardian meet with the Adult Mentor immediately following the Hearing. They discuss the various elements of the consequences awarded and schedule the activities required. The importance of the time table for the activities is stressed. The Minor must complete the consequences on schedule unless there is an emergency. The Adult Mentor will closely monitor and mentor the Minor throughout the process. (If the consequences are not completed, the Minor will be referred back to the assistant principal for further action.)

The School Counselor will meet with the Minor to debrief the Court experience and offer support for his/her follow-through with the consequences.

When all the consequences have been fulfilled, the Minor, Adult Mentor and School Counselor will meet to review the Minor's work. The School Counselor will sign the document indicating the completion of the consequences and send it to the Assistant Principal for the school records.

Once the Minor has finished his/her obligations to the School Teen Court, the Adult Mentor will continue mentoring with the Minor once a week and/or assign another adult in the school community (mutually agreeable by the Minor and adult) to mentor.

School Teen Court
Restorative Consequences Progress Report

Docket Number _____ Hearing Date ____/____/____
Consequence Completion Date ____/____/____
Minor _____
Parent/Guardian Name _____
Contact Number _____

Consequences	Specifics	Due Date	✓	Extensions	Follow-Up Dates
Communication Workshop					
Letter of Apology	1._____ 2._____				
Jury Duty					
Options					
1.					
2.					
3.					
4.					

School Teen Court
Communication Workshop
Sign Up

Training Date _____
Time _____

Workshop Date	Student's Name	Parent's Name	Contact Number
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

A Minor's Apology

A Letter of Apology, a mandatory consequence in the Tucson Unified School District's Peer Justice Program, is considered a restorative action. The process of writing the apology, if sincere, demonstrates a sense of accountability.

If a Minor has problems with understanding the impact of his/her actions, the Adult Mentor uses reflective and brainstorming strategies to assist the Minor in examining the psychological, emotional and/or physical harms created by his/her actions and the reparations needed. Included in the reflection is the information the Minor gathered reading the Victim Impact Statement, the Community Impact Statement, his/her response to the Attorney's questions, and the response from the Jury. To also aide in reflection, the following questions are posed:

If you were in his/her shoes, how would you feel?
Would you be angry or upset? Why?
Would you feel afraid? Why?
Would you feel any sense of "loss" because of what happened? Why?
What would you want to happen?
Are there things you have done, or can do, to improve you?
Has the victim provided any information about how the harm can be repaired?
How can you respond to what he/she said?

The Minor needs to feel remorse before the apology can be sincere and respectful to the victim/community and therapeutic for him/herself.

Whether the victim requests a written, verbal or no apology, the Minor will write the letter. Writing requires reflection and is an essential element of the Minor's restorative growth. If the victim does not want a letter, the document is filed in the Minor's case folder.

All letters are screened by the Adult Mentor before given to the victim.

(Questions adapted from A.Seymour, S.English and J.Weston. (2001). Washington, D.C.: Justice Solutions)

School Teen Court
Instructions on the Letter of Apology Paragraphs

_____
(Date-Spelled Out)

_____
(First and Last Name of the Receiver of the Letter)

_____
(Address)

_____
(City, State, Zip Code)

Dear _____ ,

First Paragraph:
Explain the harms your actions created to the receiver of the letter, the community, self and parents/guardian. Be specific.

Second Paragraph:
Discuss how you plan to repair the harms sited in your first paragraph. Be specific.

Third Paragraph
Restate your apology. Include alternative actions you will choose to take if a similar situation occurs in the future.

_____
(Closing Salutation)

_____
(Your Signature)

* Make sure all words are spelled correctly.

School Teen Court Report
Completion of Consequences

Date _____

_____has voluntarily participated in the School Teen Court Program and has completed the restorative consequences as assigned. Any special comments are noted below.

Case # _____
Infraction _____

Special Comments

_____
_____
_____
_____
_____
_____
_____
_____

_____ _____
Counselor **Adult Mentor**

School Teen Court
Minor's Evaluation

1. Were your Attorneys helpful to you? _____
   Explain what was the most helpful thing they did for you?
   _____
   _____

2. Do you think the Jury listened to you? _____
   Give an example that supports your opinion._____
   _____

3. Do you understand how your actions harmed the victim?___
   the community?_____ your parent?_____ yourself?_____
   Give an example of one of the harms caused by your actions.
   _____

3. Do you think the consequences given to you by the Jury will help you repair your relationships with the victim?_____
   with the community?_____ with your parent?_____
   Give an example of a consequence that will be helpful to you in repairing a relationship. _____
   _____

4. Do you think you have the tools and support to not repeat the infraction again? _____
   Who can you turn to for help in the future? _____

5. What improvements can you suggest to make the school's Teen Court program more effective? _____
   _____

Thank you for your honest responses!

Tucson Unified School District's
Peer Justice Program
Teen Court Guidelines

The following Guidelines are used as notes/aides to help court officials carry out their roles during court proceedings. They are generally one page, laminated and easy to handle for a quick reference. All Guidelines can also be found in each student's *Teen Court Manual.*

School Teen Court Attorneys Guidelines

1. Always stand when addressing the Judge. This is a sign of respect for the Court. Address the Judge as "Your Honor" or "May it please the Court."

2. Remember the Minor's Testimony is the only information the Jurors can use in deliberating on restorative consequences. Ask open-ended questions (who, what, when, where, why and how). The Minor should talk more than the Attorneys.

3. Enunciate your words when speaking so that you may be heard without shouting.

4. During Examination, only ask the Minor questions you are confident of the answers.

5. Listen closely to the Minor's answers during Examinations even if you already know what the Minor will say. This is important because:

   a. An Attorney's attention to the Minor's testimony will encourage Jurors to do the same, and

   b. If the Minor does not answer the questioned asked, it is essential that follow-up questions are asked to provide the answers the Jurors need to hear.

6. Always establish a Foundation at the beginning of the Examinations.

7. Use the inferences developed in case preparation as either the mitigating or aggravating circumstances to support the case's theory.

8. Always check with the other Attorneys of the team before concluding the Examinations.

Defense

1. Remember you work for the Minor. Support him/her with integrity and receive approval for the Theory of the Case and the questions to be used during Direct Examination.

2. Orient the Minor to the Courtroom and Court Protocols. Possibly have the Minor sit in the Witness Stand and practice answering questions facing the Jury Box.

Prosecution

1. Remember you work for the school community which includes the victim of the infraction.

School Teen Court
Jury Guidelines

The Minor has admitted guilt in order to appear before Teen Court. The Jury is to determine restorative consequences that will repair the harms cause by the infraction (the breaking of a rule).

This Hearing is real, not a role play. The student (Minor) broke a school rule and must be held accountable for the harms that were created to the victim, community, him/herself and parents/guardians. These harms must be addressed in order for the Minor to begin repairing his/her relationship with self, parents/guardians, victim, and community. The work in repairing relationships will help the Minor understand not to break the rule again.

As a Juror, your purpose is not to punish the Minor, but to help him/her to repair the harms caused by the infraction. It requires you to listen carefully to the Minor's testimony and observe his/her attitude. Remember, the Minor is a student who has feelings, hopes and fears, not unlike you. The Minor's choice of actions is the problem and is where the focus must be in order to create the change needed to repair the harms.

When the Judge retires you to the Deliberation Room, you and your fellow Jurors will discus the information presented during the Hearing. The Adult Mentor will guide you through this process. However, understand it is the Jury Panel's responsibility to reach a unanimous decision on how to help the Minor.

The Jury is the power of the Court. Your power must be exercised with sensitivity and restraint. A Jury's decision will have a significant impact on the Minor and his/her family.

School Teen Court
Court Clerk Guidelines

1. Prior to Hearing, prepare the *Jury Report Form*, and *Court Clerk Record of Hearing*.

2. Hand out the *Feedback* forms to the students in the Court Gallery.

3. Review and document any evidence submitted by an Attorney.

2. The Judge will ask you to call the case once the Jury is seated. You will announce

   Your Honor,
   Today's case is Docket # _____,
   School versus _____.
   (Minor's name)
   The offense is _____.
   (Category of Infraction)

3. After the Judge, Attorneys and Minor accept the Jury, the Judge will ask you to swear in the Jury. You will stand, raising your right hand, and say,

   Please stand, raise your right hand and repeat after me....
   I solemnly affirm
   that I will give careful attention
   to all proceedings
   which are to take place in my presence,
   and will not divulge to anyone,
   any information, which comes to my knowledge
   as a result of these Teen Court proceedings.

4. After the Prosecution and Defense give their *Opening Statements*, the Judge will ask you to call the Minor,

   _____, please take your place in the Minor's Box.

5. The Judge will then ask you to swear in the Minor.
   You will say,

   Please stand and raise your right hand.
   Do you promise to tell the truth,
   the whole truth
   and nothing but the truth?

5. The Jury Bailiff will collect the *Jury Report Form* from you when the Jury retires.

6. After the Hearing, record the Minor's consequences on *Court Clerk Record* document.

7. After the Hearing, collect and file the following documents:
    a. Court Bailiff
        i. *Feedback* forms
        ii. *Order and Dignity of the Courtroom* form
    b. Attorneys
        i. File folders containing notes and case related paperwork
    c. Jury Bailiff
        i. *Jurors' Summons*
        ii. *Jurors' Oaths of Confidentiality*
        iii. Jurors' Notes
        iv. Jurors' *Evaluations*

8. Give the file to the Teen Court Coordinator.

School Teen Court
Court Bailiff Guidelines

1. Supervise the set up of the Courtroom.

2. Distribute the Court badges: Defense, Prosecution, Clerk, and Bailiffs.

3. Fill out the top information of *The Order and Dignity of the Courtroom.*

4. When the Judge is ready, take your seat. Wait until the Jury Bailiff indicates the Jury is ready.

5. Call the case. Stand at the Judge's Bench, strike the gavel and announce
   Please rise.
   School Teen Court is now in session.
   The Honorable __ presiding.

6. After the Judge is seated, announce:
   You may be seated.

7. Monitor the Courtroom and document any disruptive behavior on the *Order and Dignity* form.

8. When the Jury stands to move to the Deliberation Room, announce
   Please rise.

9. When the Jury has passed the Court Gallery, announce
   Please be seated.

10. When the Jury returns to the Courtroom, announce
    Please rise.

11. When the Jury is seated, announce
    Please be seated.

12. Collect the Court badges: Defense, Prosecution, Clerk, and Bailiffs.

13. Supervise the take down of the Courtroom and turn in paperwork to the Court Clerk.

School Teen Court
Jury Bailiff Guidelines

1. Check in Jurors:
   A. Collect *Jury Summons* and check their names off the *Potential Jurors List*
   B. Give each Juror a clipboard/pen containing
      Jury Instructions
      Jury Oath of Confidentiality
      Paper
      Juror Evaluation
   C. Ask each Juror to read the *Jury Instructions.*

2. Notify the Teen Court Coordinator if any Jurors are missing.

3. Select six *Jury Summons* - 2 sixth graders, 2 seventh graders, and 2 eighth graders - while the Adult Mentor discusses the concept of restorative justice, Jurors' duties and responsibilities. Write the Jurors' number in the space provided on the *Jury Summons*. Number as follows:

6th grader – 1	7th grader – 2	2nd 6th grader – 3
8th grader – 4	2nd 7th grader – 5	2nd 8th grader – 6

4. Explain the *Oath of Confidentiality* and have each Juror sign a copy. Collect the *Oath and the Jury Instructions*.

5. Explain to the Jurors that six (6) Jurors will be seated in the Jury Box and three (3) will remain in the Deliberation Room until the Jury is accepted. Announce the names and numbers of the six Jurors, hand them their Jury Badges, and lead them to the Jury Box. Jurors are to sit in the numbered chair that corresponds with their Juror number.

6. Inform the Court Bailiff the Jury is ready after seating the Jurors in the Jury Box. Sit behind the Jury in the Jury Box and begin filling out the *Jury Pass* forms in ink for the three (3) Jurors in the Deliberation Room. Stamp "Thank You" over your name. Do not write in the time until the Jurors are released.

7. **If the Jurors in the Box are accepted** - while they are being sworn in, take the *Jury Passes* to the three (3) Jurors in the Jury Deliberation Room. Thank them for their service, remind them of their promise of confidentiality, and release them to return to their class.

8. **If a Juror is not accepted** - call to the Box another Juror from the same grade level as the released Juror. Escort the released Juror to the Jury Deliberation, write out the *Jury Pass* and release the three (3) Jurors to return to class.

9. Remain with the Jurors in the Jury Box during the Hearing. Fill out the rest of the *Jury Passes*.

10. When directed by the Judge, escort the Jury to the Deliberation Room, following the *Closing Arguments*.

11. Instruct the Jury to select a Fore Person quickly. Explain they need to knock on the door when they need help or have completed their work. The Adult Mentor will remain in the Deliberation Room.

12. Stay by the Deliberation Room door at all times.

13. Once the Jury has reached an agreement, collect the *Juror Evaluation Forms* and lead the Jurors back to the Jury Box.

14. Retrieve the *Jury Report* form from the Jury Fore Person and hand it to the Judge when requested. After the Judge signs the form, return it to the Fore Person.

15. Collect the *Jury Report Form* and deliver it to the Court Clerk.

16. When the Judge releases the Jury, lead the Jury back to the Jury Room:
    A. Thank the Jurors for their work,
    B. Collect their badges, and
    C. Hand out *Jury Passes* with the time written on the form (used as a hall pass).

17. Clean up the Jury Room and return the following paperwork to the Court Clerk:
    Jury Oaths
    Jury Evaluation
    Jury Notes from the clipboards

19. Return the clipboards, pens, badges and Jury Guidelines clipboard to their storage place.

School Peer Justice Panels

A School Peer Justice Panel (PJP) is an alternative approach to youth courts. It still offers student offenders of school rules an opportunity to explain their story to a group of peers. However, the format is more streamlined than a tradition School Teen Court.

A PJP generally consists of five to eight students and one student Magistrate. The Panel serves as both the Attorney and the Jury.

The Magistrate begins the Hearing by calling the case and initiating the questioning. Panel members take turns in asking questions of the Minor. Just as in a traditional Teen Court, the questions revolve around a description of the events leading to the infraction, the infraction from the Minor's perspective and why the choice was made to commit the offense. Parents are requested to attend the Hearing and have an opportunity to speak, if they choose.

Following the questioning of the Minor, the PJP convenes and decides on the constructive consequences they believe will help the student to not repeat the infraction. The whole process takes between twenty to thirty minutes with the questioning segment consuming most of the time.

In Tucson Unified School District' Peer Justice program, the process beginning with the school administration through the completion of the consequences, is the same as described with the School Teen Court model. The only change in the process is the substitution of a Panel for the courtroom of Attorneys, court officials, and a Jury selected from a school-wide jury pool.

School Peer Justice Panel
Order of the Hearing

1. Peer Justice Panel (PJP) Clerk makes sure all members of the Panel have read the case and are seated.

2. The Clerk announces,
   All rise,
   School Teen Court is now in session,
   Honorable members of the Peer Justice Panel are now presiding.

3. The Clerk brings the Minor and his/her parents/guardians into the Courtroom and seats the Minor facing Panel Members.

4. The Teen Magistrate tells the audience,
   Please be seated.
   Clerk, Please call the case.

5. The Clerk says,
   Your Honor, today's case is
   School Teen Court
   vs
   _____
   The infraction committed is _____.

6. The Teen Magistrate asks the Clerk to swear in the Minor.

7. The Clerk says,
   Please stand and raise your right hand.
   Do you promise to tell the truth,
   the whole truth,
   and nothing but the truth?

8. The Teen Magistrate informs the Minor,
   The Panel Members will begin their Examination.
   Remember to give detailed answers.

9. After the Panel Examination, the Teen Magistrate asks the parents/guardians,
   Would you care to make a statement?

10. The Teen Magistrate asks the Minor,
   Would you care to make a statement or add any information before the Panel deliberates?

11. The Teen Magistrate declares,
   This Court is in recess.
   Please follow the Clerk outside the Courtroom while this Panel deliberates.

12. Panel considers the following questions while deliberating:
   Does the Minor show remorse for his/her actions?
   Does the Minor understand the harms created from his/her actions?
   Has the Minor offered options for repairing the harms?
   Will the Minor commit the infraction again?

13. Panel must decide on the restorative consequences for the Minor. Complete the Jury Report Form.

14. Once the Jury Report Form is complete, the Clerk escorts the Minor and parents/guardians back into the Courtroom.

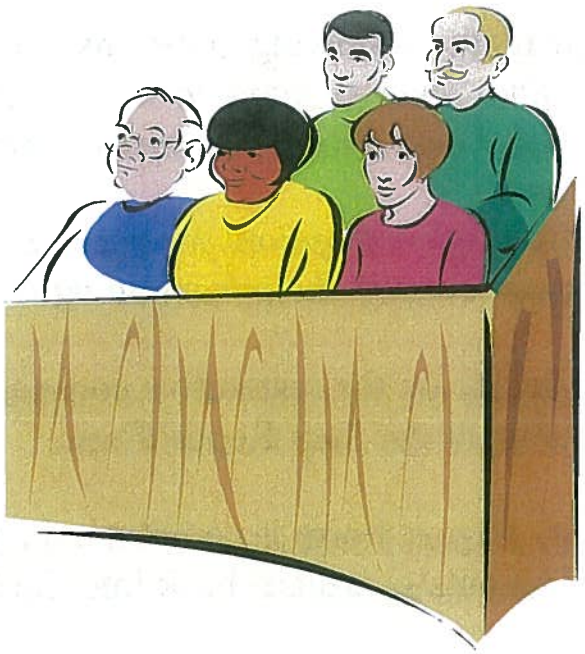
15. The Teen Magistrate tells the audience,
   Please be seated.

16. The Teen Magistrate asks the Minor,
   Please stand.

17. The Teen Magistrate reads the restorative consequences and any comments made by the Panel Members.

18. The Teen Magistrate asks the Minor,
Do you understand the restorative consequences?
Do you have any comments to make at this time?

19. The Teen Magistrate and the Clerk signs the Jury Report Form and instructs Minor,
Please follow the Clerk to the Exit Interview Room.



School Peer Justice Panel
Direct Questions

As a Peer Justice Panel Member, your job is to gather information on a Minor, who has committed an infraction.

Based on the Minor's testimony, the Panel must decide on restorative consequences that will help the Minor repair the harms.

Guidelines for Questions

The following list of questions should be used as a guideline to stimulate an investigative conversation with the Minor. Feel free to add questions. However, because the purpose of the Peer created by the infraction, it is important questions 2 – 6 are included in the Examination.

1. Please tell us your name, grade and age.

2. Please describe:
   what happened prior to the infraction,
   what happened during the infraction, and
   what happened following the infraction?

3. Do you understand that an infraction creates harms?

4. Can you identify who was harmed?
   (Prompt the Minor to identify the victim, the community, him/herself, and parents/guardians.)

5. How were the people identified (in question 3) harmed?

6. How can you repair the harms to each of the people identified?

7. Why do you think you committed this infraction?

8. What have you learned from this experience?

9. Do you think you will commit this infraction again?

Questions to Consider during the Deliberation

1. What is the Minor's demeanor like?

2. Does the Minor have a negative or positive attitude?

3. Do you think the student understands that his/her infraction created harms?

4. What restorative consequences will help the Minor repair the broken relationships?

5. What restorative consequences will help the Minor not repeat the infraction?

Recruitment

Tucson Unified School District's (TUSD) Peer Justice Program's Middle School Teen Court course is an eighth grade yearlong high school credit class. The students prepare to operate the school court during the first quarter of the year (nine weeks) by studying restorative justice, government concepts such as social contracts and authority, court protocols and the practices of an attorney. At the end of the nine weeks, all students must pass a Bar Exam.
During the 2nd, 3rd, and 4th quarters of the school year, the students facilitate the school's court and study the high school curriculum, Street Law. They must pass the high school Street Law final at the end of the school term with at least a C.

Though the work is rigorous, the course is offered to all 8th graders. However, students must meet certain criteria – as explained below - to be accepted in the program.

Court Proceedings Component of the Course:
The most important quality a student must possess for school court work is ***trustworthiness***. The student takes an oath of confidentiality before participating in court proceedings. The cases heard in court belong to the Minor. The Teen Court student is there to help the Minor repair broken relationships and reconnect with his/her community. No aspect of any court case can be discussed with anyone outside the courtroom.

Case preparation requires a student to gather information from multiple sources, think about it, discuss it with colleagues, and draw conclusions based on past experiences, new information and reasoning skills. Much of the work is not about right or wrong answers, but more about understanding an issue, taking a stand, and supporting that stand with evidence and inferences.

Academic Component of the Course:
The academic purpose of the Peer Justice Program is to teach transferable skills using law as the context. A student seeking admission to the program must **possess a passion for learning law and/or service**. The course offers challenging work, but having a passion for the subject can help a student address the more difficult moments.

The course is appropriate for a student, whether his/her past academic efforts has been excelling or not. There is much scaffolding to assist in reading comprehension, implicit instruction in academic writing and multiple strategies to develop new ideas and concepts.

Students applying for the Peer Justice Program must complete a writing sample explaining why they would like to participate in the School's Teen Court Program and attend an interview with the Teen Court Coordinator and a current Teen Court student. Teacher recommendations are also sought for each candidate to the program.

Teen Court Teacher Recommendation

_____ is applying for admission to the School's Teen Court/Street Law class. This course is for high school social studies credit.

Please rate the students' past performance in your class in the areas listed below. Use the scale of 1-3 with 3 being the highest score. Add a brief comment about why you would or would not recommend this student for the Teen Court/Street Law class.
Thank you.

Trustworthy 1-----2-----3	Honest 1-----2-----3	Writing Skills 1-----2-----3
Reading Skills 1-----2-----3	Collaborates 1-----2-----3	Thinking Skills 1-----2-----3

Comments: _____

_____

_____

_____

School Teen Court Student Application

Name: _____ Date: _____
Phone Number: _____

Explain why you would like to be a part of the School Teen Court/Street Law Program.

_____
_____
_____
_____
_____
_____

Do you have an interest in law? _____

Have you been involved in service projects? If so, list some of the activities.

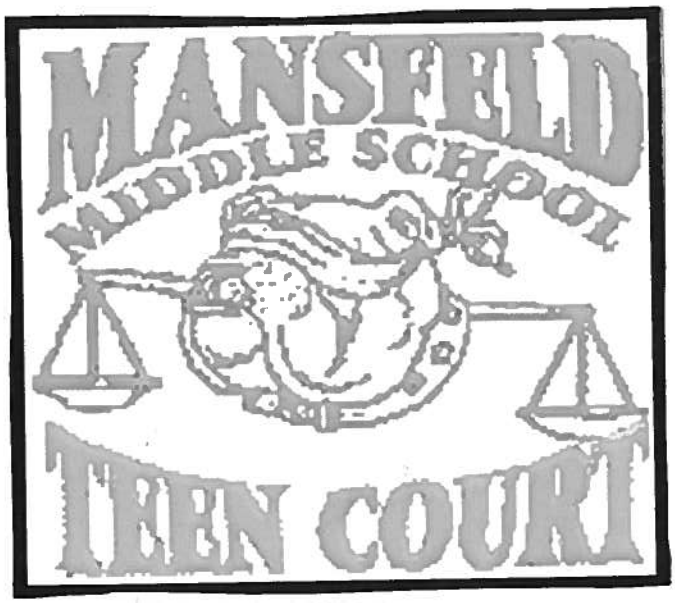
_____
_____
_____

Can you be trusted to keep all court proceedings confidential? ___

What positions of responsibility have you been involved with during the past two years? You may include both school and outside of school responsibilities.

_____
_____
_____

Thank you for your interest in the School Teen Court/Street Law Program. Please return your application to the Teen Court Coordinator by _____.



Mansfeld Middle School
Teen Court Rap
By Mansfeld Middle School Teen Court, 1996-1997

Bailiff

Order in the court! Order in the court!
I stand before you to call this case.
The kids of Mansfeld,
where learning is in place.

Prosecution

We are the Prosecution,
lawyers of our school.
We are here to tell the story
of the Minor who broke the rule.

Defense

We are the Defense team
of the Minor
We help him tell
his story finer.

Minor

I am the man
who broke the rule.
Help me to act
a lot more cool.

Jury

We are the Jury of this court.
Our objective is
to help this minor.
The sentence we give you
is not to get you.
Just don't
repeat it again!

Defense

What made you choose
to chew the gum,
when you know
good and well
It was wrong?

Minor

I chewed the gum,
at the time it was fun.
But now I think
it was really, really dumb.

Prosecution

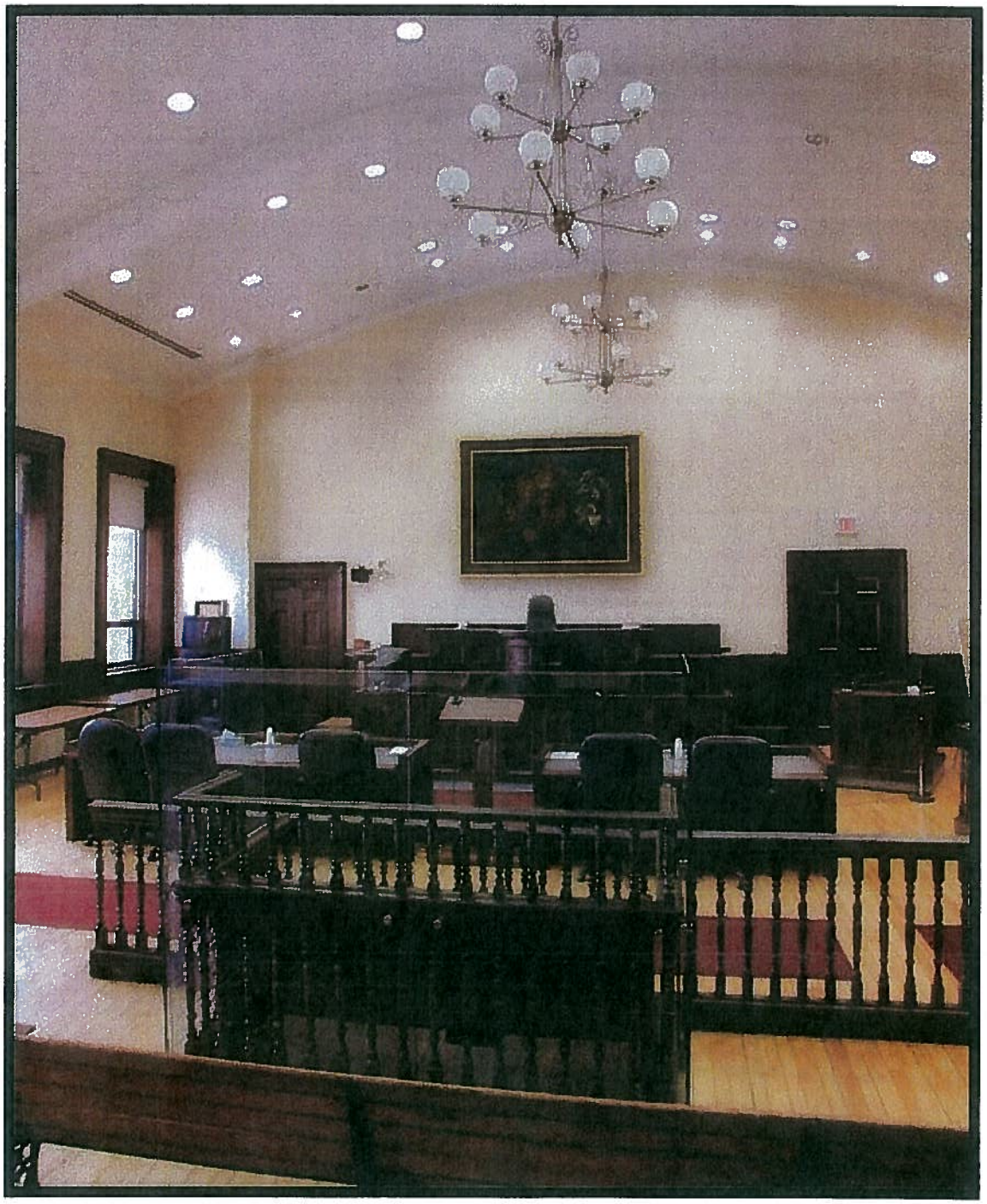
Did you know
that chewing gum
is against the rule
here at Mansfeld Middle School?

Minor

Yes I did,
know it was a rule.
Now I think about it,
it wasn't that cool.

Jury	A jury of peers have presided here to help a fellow Minor. Our constructive sentence reads as follows. Please listen! Let us help our Minor. Five hours of cleaning on school grounds! A letter of apology to the teacher! A session on self-esteem. We all know you can do it!
Defense	We know you can do it!
Prosecution	We know you can do it!
Bailiff	I know you can do it!
All	We know you can do it, to not repeat the offense again.
Minor	Thank you everybody for all of your support. You will never see me again in Mansfeld Teen Court!

Courtrooms



A Historic Courtroom

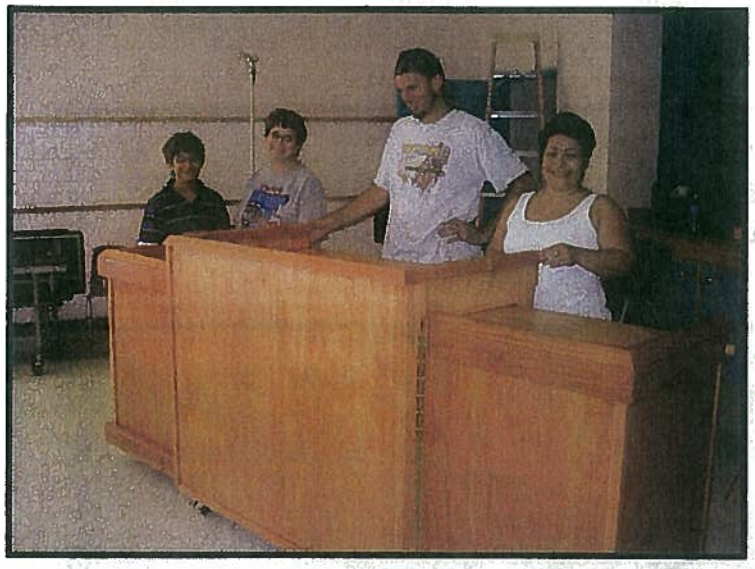
School Teen Courts' Courtrooms

Classroom Courtrooms
can vary from a simple arrangement of tables and chairs to a permanent structure. **Teen Court in a Box's** purpose is to provide formal courtroom features to a classroom court.

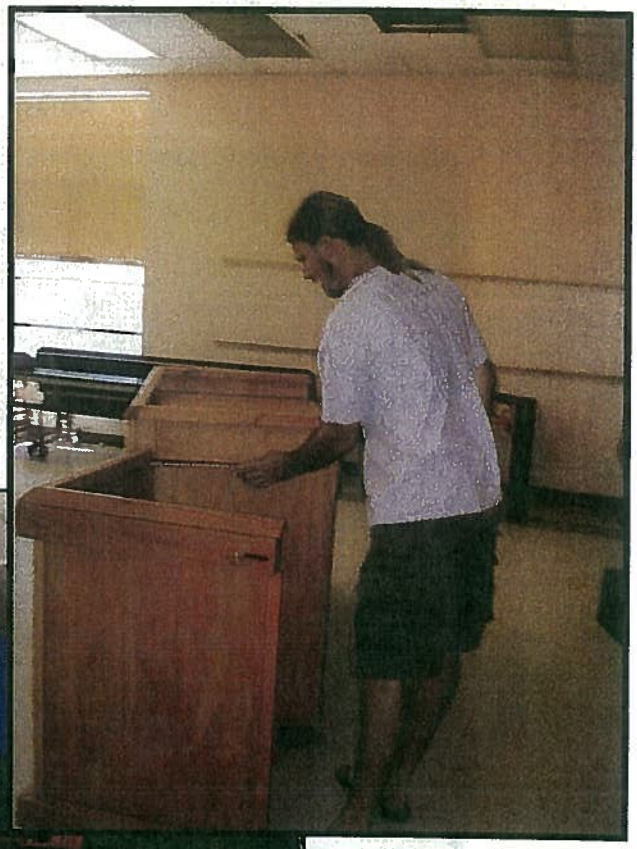
Teen Court in a Box was designed for classroom courtrooms. The "box" is on wheels for easy movement. All courtroom components are stored inside the "box:"

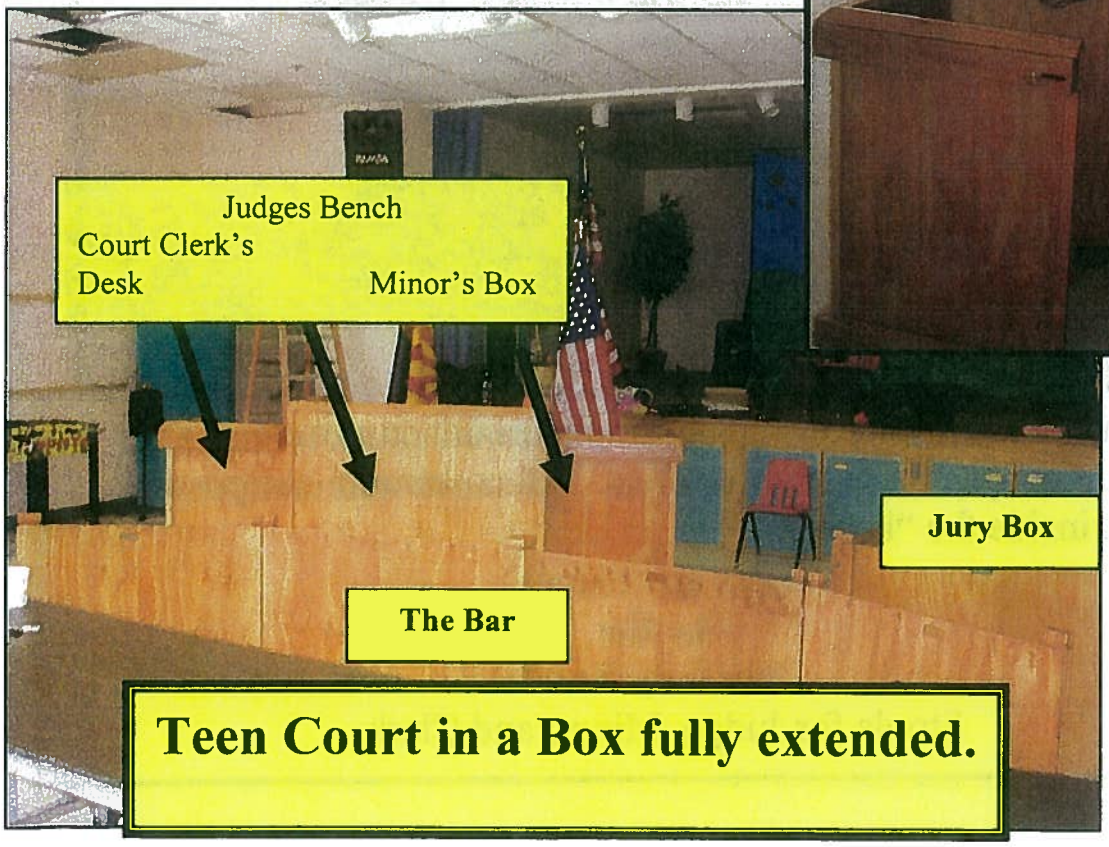
Flags and Stands
The Bar
The Jury Box
Stools for Judge, Minor, and Clerk

Teen Court in a Box



Close view of the Judge's Bench with the Clerk's Desk and Minor's Box attached on each side.





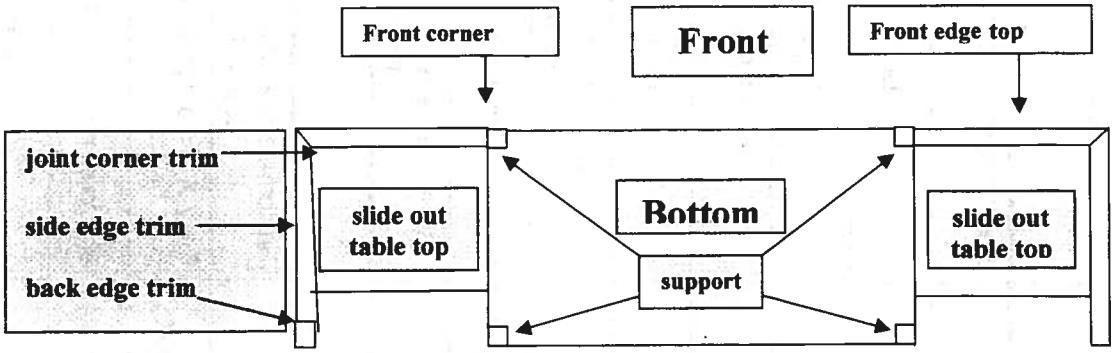
Teen Court in a Box fully extended.

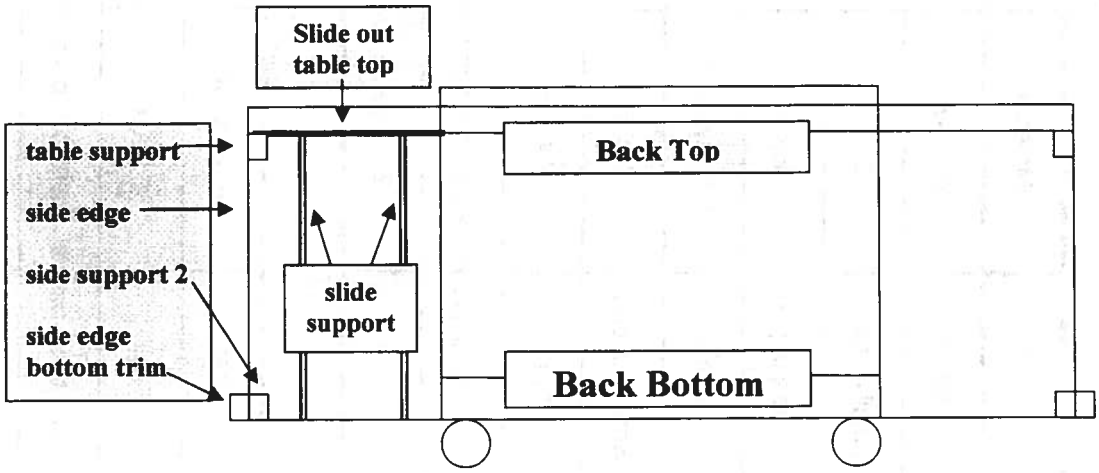
Mr. Bekedam, Designer and Builder of the *Teen Court in a Box* prototype.

Box	Bottom	1/2" Plywood	1	2'3" x 4'	
	Side 1	1/2" Plywood	2	39 1/2" x 26 1/2"	Grooved 33" from bottom and 19" from front edge for slide out table. Route inside edge 3" from top edge for top
	Side 2	1/2" Plywood	2	39 1/2" x 3"	Cut for swing out door
	Supports	2 X 4	4	1 1/2" x 1 1/2" x 35 1/2"	
	Back Bottom	1/2" Plywood	1	46" x 3"	Round top edge
	Back Top	1/2" Plywood	1	46" x 5"	Round bottom edge
	Front	1/2" Plywood	1	39 1/2" x 4'	Route back edge 3" from top edge for top
	Top	1/2" Plywood	1	26 3/4" x 45 1/2"	Round back edge
	Top side edge trim	2 X 4	2	26"	Route bottom for top edges of side and front, cut for joint, shape outer edge.
	Top front edge trim	2 X 4	1	49"	Route bottom for top edges of side and front, cut for joint, shape outer edge.
	Front corner trim	1 X 1 trim	2	39 1/2"	
	Bottom front trim	1 X 1 trim	1	47"	
Cut, sand, predrill, assemble, patch, final sand, brush with conditioner, stain, and finish with 2 to 4 coats of polyurethane.					

Swing Out Door 2 needed	Front edge	1/2" Plywood	1	2' x 34 1/2"	Route for table 1" from top edge
	Side edge	1/2" Plywood	1	2' x 34 1/2"	Route for table 1" from top edge
	Table support	1/2" Plywood	1	18" x 1"	Attach to Side edge under route cut and near front edge joint
	Support 1	1/2" Plywood	2	1 1/2" x 33"	Attach to Front edge under route cut to bottom
	Support 2	1/2" Plywood	1	1 1/2" x 24"	Attach to bottom edge of Side edge
	Side edge top trim	2 X 4	1	25 1/2"	Route bottom for top edges of side and front, cut for joint, shape outer edge.
	Side edge bottom trim	2 X 4	1	26 1/2"	Cut for joint
	Front edge top trim	2 X 4	1	25 1/2"	Route bottom for top edges of side and front, cut for joint, shape outer edge.
	Front edge bottom trim	2 X 4	1	25 1/2"	Cut for joint
	Joint corner trim	1 X 1 trim	1	30 1/2"	
	Back edge trim	1 X 1 trim	1	27 1/2"	
Cut, sand, predrill, assemble, patch, final sand, brush with conditioner, stain, and finish with 2 to 4 coats of polyurethane.					
	Slide out tables	1/2" Plywood	2	26" x 18 1/2"	Round rear edge, sand, brush with conditioner, stain, and finish with 2 to 4 coats of polyurethane.
Attach swing out doors to Box with 30" piano hinge. Attach wheels to bottom. Attach slide table locks. Attach lock hinge.					
Install supports for slide out tables with 3" strips of plywood in upper section of box.					

View of Judge's Bench
Doors Opened to Form the Two Side Tables



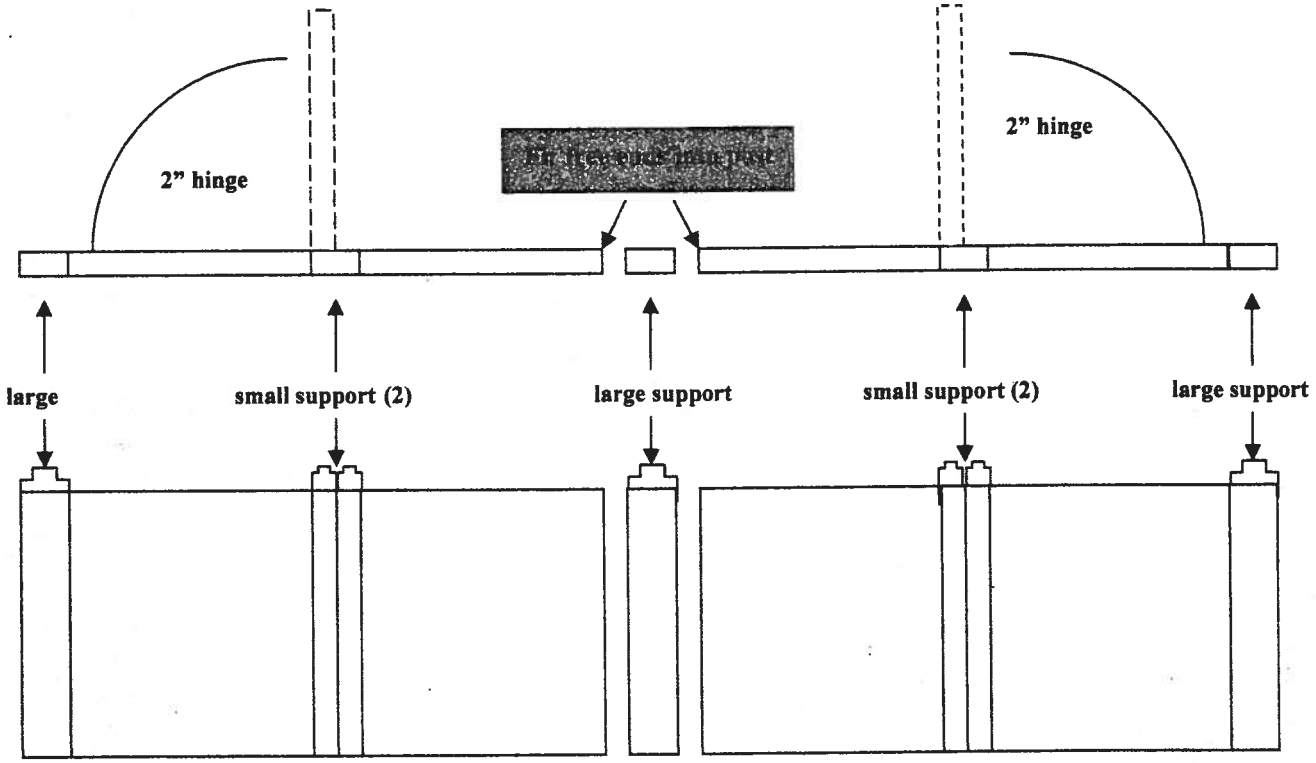


Parts List / Assembly Plan for Courtroom in a box

	Name	Material	number needed	dimensions	Instructions
Fence A 4 needed	Front A	1/2" Plywood	1	3' x 2'4'	3" x 1" Handle cut 18" from small support side / top rounded with router
	Small Support	2 X 4	1	1 1/2" x 1 1/2" x 30"	Decorative Route 1" from top
	Large Support	2 X 4	1	1 1/2" x 3 1/2" x 30"	Decorative Route 1" from top
Fence B 4 needed	Front B	1/2" Plywood	1	3'3" x 2'4"	3" x 1" Handle cut 18" from free end / top rounded with router
	Small Support	2 X 4	1	1 1/2" x 1 1/2" x 30"	Decorative Route 1" from top
Center Post	Post	4 X 4 post	2	30"	Route centers of opposite sides for free ends of fences AB. Decorative Route 1" from top
Cut, sand, predrill, assemble, patch, final sand, brush with conditioner, stain, and finish with 2 to 4 coats of polyurethane.					
Fence AB		2" hinge	2 per fence		Attach Fence A to Fence B at small support end of each fence to create Fence AB.

Flag Pole Base	Post	4 X 4 post	2	3'	Cut corners at 45 degree, drill hole in top 2 1/2" deep for flag dowel. Decorative Route 1" from top
	Feet	2 X 4	4	7" x 3 1/2" Rt Triangle	Cut 2 X 4 into right triangles and attach to base (long edges against post)
Cut, sand, predrill, assemble, patch, final sand, brush with conditioner, stain, and finish with 2 to 4 coats of polyurethane.					
Flag Pole holder		3/4" Dowel	2	3'	Cut and attach tops and flags

Fence for Jury Box and Courtroom Bar



SYMBOLS OF A TEEN COURT COURTROOM

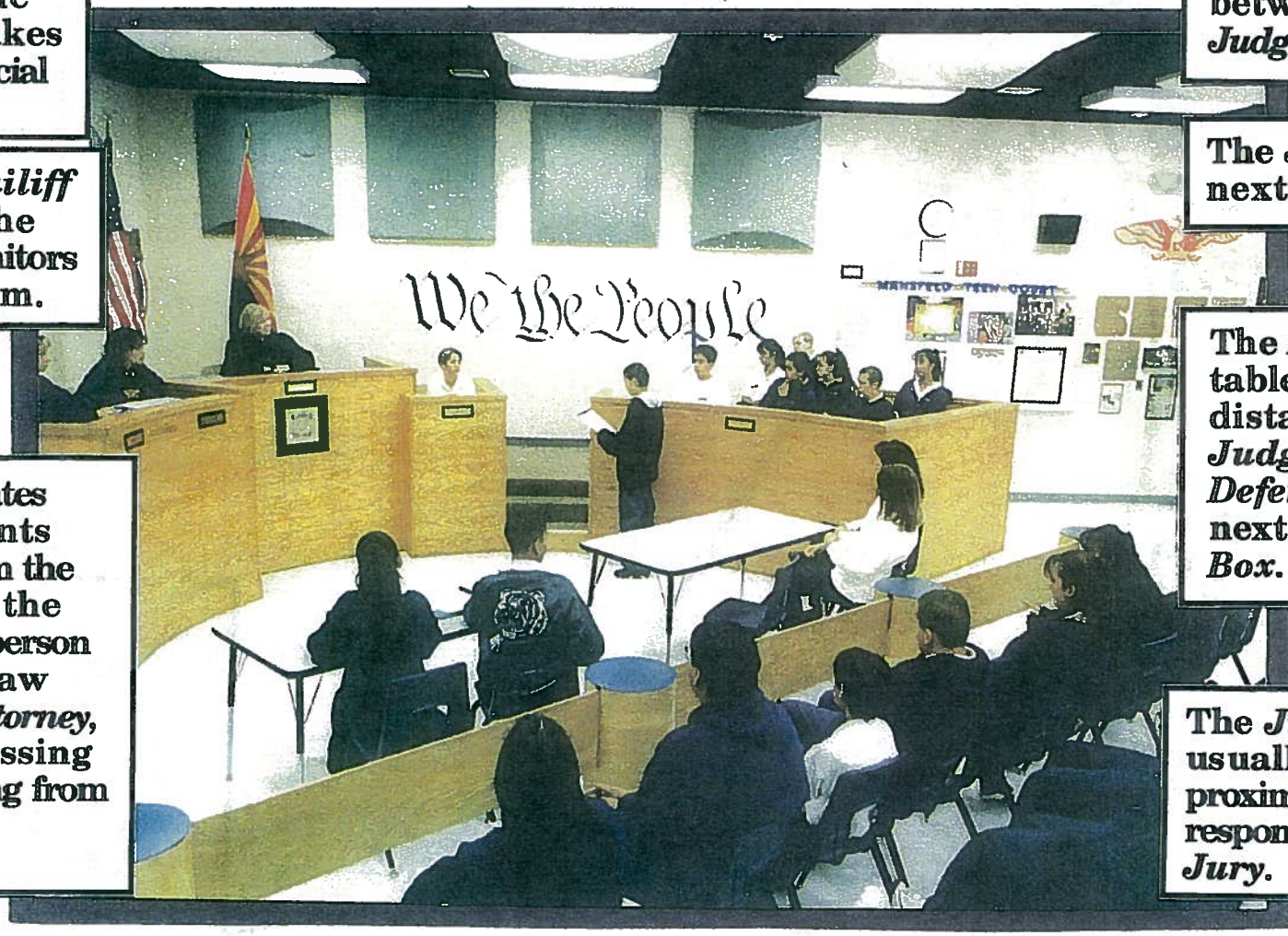
The Judge sits in the most elevated centered position and is the focal point in a courtroom.

The Clerk sits on one side of the Judge and takes care of the official paperwork.

The *Minor* sits between the *Judge* and the *Jury*.

The *Court Bailiff* sits next to the *Clerk* and monitors the courtroom.

The *Jury Box* is next to the *Minor*.

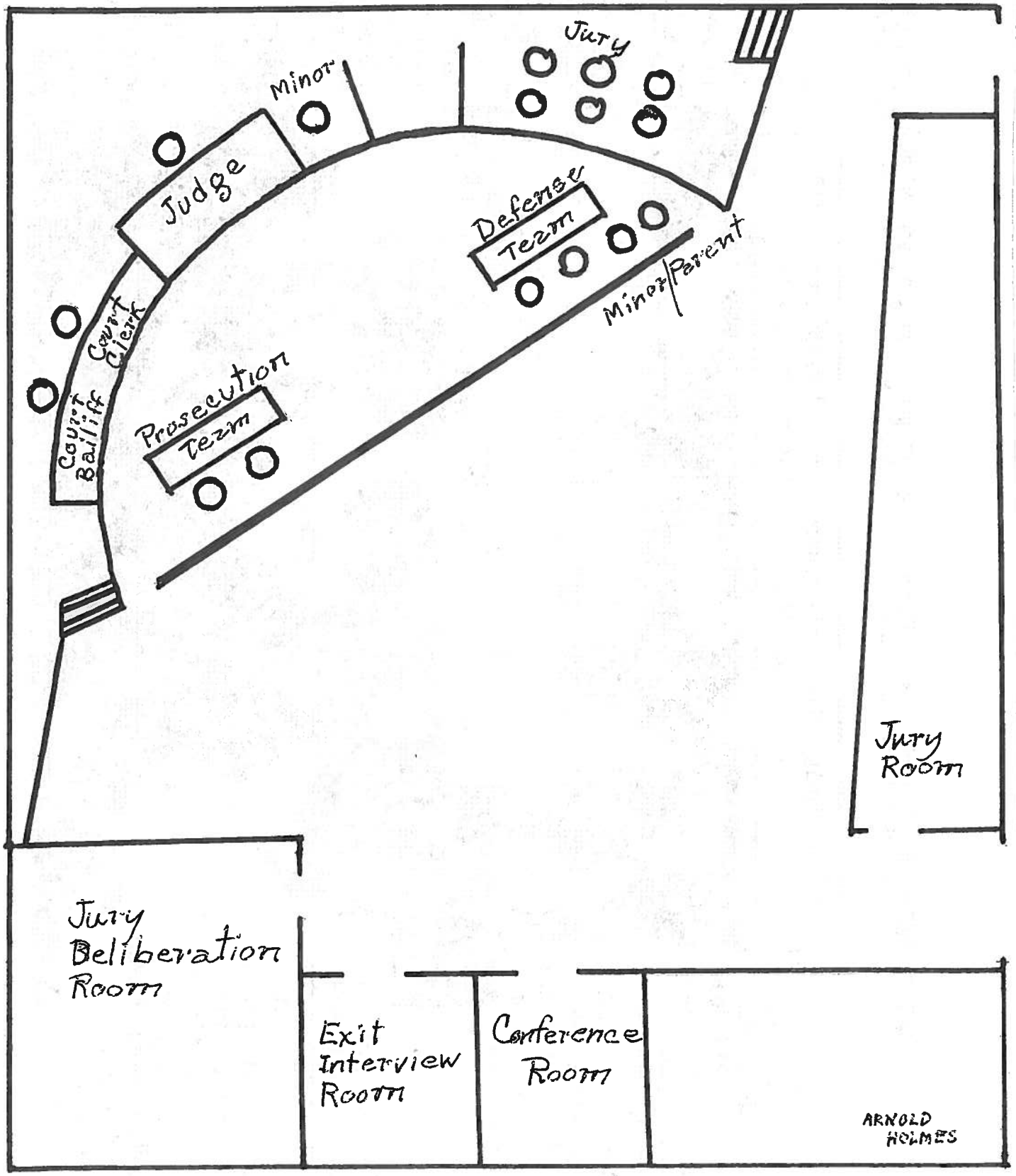


The *Attorneys'* tables are equal distance from the *Judge* with the *Defense* usually next to the *Jury Box*.

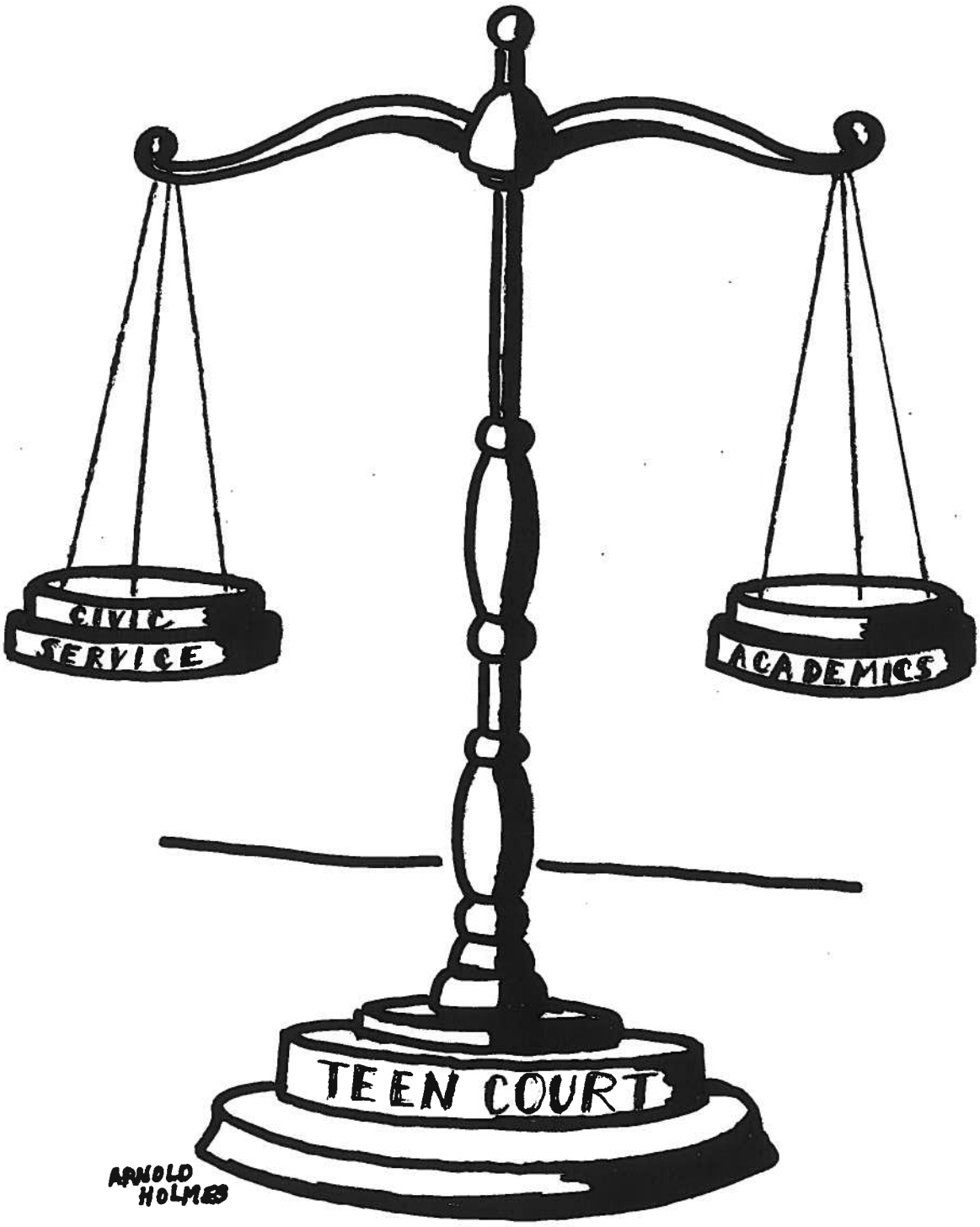
The Bar separates the participants of the case from the spectators of the case. When a person who studies law becomes an *Attorney*, it is called passing *the Bar*. (Moving from spectator to participant.)

The *Jury Bailiff* usually sits in close proximity to his/her responsibility, the *Jury*.

MANSFELD MIDDLE SCHOOL TEEN COURT
COURTROOM LAYOUT



A BALANCED CURRICULUM



Curriculum

"The main part of intellectual education is not the acquisition of facts but learning how to make facts live."
-- Oliver Wendell Holmes

A School Teen Court program affords students opportunities to experience learning at the highest levels, application and synthesis. Teen Court Students work in an environment that demands the acquisition of facts for the purpose of immediate application. Much of their work involves problems that do not necessarily have right or wrong answers, but need solutions. This requires the development of thinking and communication skills, the confidence to take action for the good of the community, and the ability to view the world through restorative lenses. A goal of the Tucson Unified School District's (TUSD) Peer Justice curriculum is to offer students rigor in skill development that exceeds the boundaries of class and court work to impact all aspects of academic studies and life responsibilities.

Curriculum presented in this portion of the *Teen Court in the Middle Schools Manual* is a snapshot of the studies students experience in preparing for a school court system in the TUSD Middle Schools. The nine week unit is in an Understand by Design (UbD) format and one lesson plan from each concept studied is in the TUSD Structured English Immersion (SEI) format. Supporting materials for each plan presented are included. Most of the concepts are part of Arizona's State Standards and provide a firm foundation for the TUSD Peer Justice program. The concepts are academic writing, natural rights, state of nature, laws, authority, restorative justice, and the court system.

Academic writing instruction is a major component of the TUSD's Peer Justice curriculum. The year begins with an academic writing prompt and ends with the same prompt. This provides excellent evidence of achievement for students and teachers. Explicit writing instruction is the first unit of study. However, it is also, purposefully, embedded in all the units of study, Court work and the Street Law curriculum.

The skills needed to write a persuasive (academic) paper relate strongly to the skills needed to develop a court case. Both writing applications are persuasive in nature and as such, require the same structure.

Academic Paper	Court Case
Opening Statement of the basic position of the writer on an issue. This is the Thesis	**Opening Statement** of the defense/prosecutions' position on the facts of the case. This is the Theory of the Case.
Body of the paper presents evidence and inferences supporting the writer's stand on an issue.	**Examination** (questioning) brings forth the facts of the case through the witness' testimony.
Conclusion in the form of an evaluation, a restatement of the position and/or a re-defining of the arguments.	**Closing Arguments** is a restatement of the position by re-defining the arguments.

Once an element of writing or a reading strategy is introduced, it is practiced repeatedly in a variety of formats such as Fast Fives (FF).

In addition to the lessons, included in this section of the Manual, are some instructional and student engagement strategies. Credit is given to the strategies when the source is known. Many of these practices have been a part of teachers' repertoires for years.

However, to ensure all readers can implement them, directions are included.

The TUSD Peer Justice Program incorporates the Street Law curriculum to run simultaneously with the Court Hearings, beginning the second nine weeks of the school year. Integrated in the Street Law curriculum are "thinking strategies" developed by Harvard University's Project Zero, continued writing instruction, and reading comprehension skills.

School Teen Court Training

Identify Desired Results

Established Goals for the Nine Week Unit

Objectives: Students will understand essential concepts of preparing, presenting and evaluating a law case for the School Teen Court.

1. Students will use an understanding of academic writing to prepare a case.
2. Students will use an understanding of Court protocols to facilitate a School Teen Court Hearing.
3. Students will use an understanding of the restorative justice concept to prepare and present a case.

Arizona State Civic Education Standards

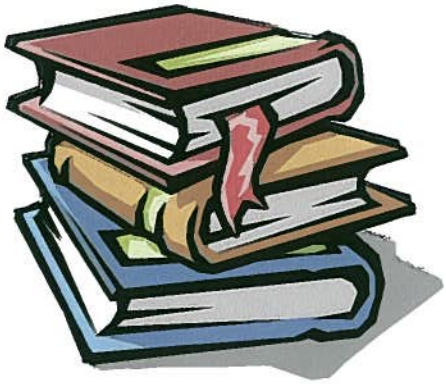
1. S3.C1.PO1. Describe how the following philosophies and documents influenced the creation of the Constitution
   a. Magna Carta
   d. John Locke's theories – natural law, social contract
   e. Mayflower Compact
2. S3.C4.PO 2. Discuss the character traits - respect, responsibility, fairness, involvement - that are important to the preservation and improvement of constitutional democracy in the United States.
3. S3.C4.PO4 Explain the obligations and responsibilities of citizenship:
   a. upholding the Constitution
   b. obeying the law
   e. jury duty
4. S3.C4.PO4 (High School) Demonstrate the skills and knowledge – group problem solving and public speaking – needed to accomplish public purposes

What essential questions will be considered?	What understandings are desired?
**Do natural or fundamental rights change over time? **What is the relationship between facts and inferences? **What conclusions can you draw as to the impact of John Locke's theories on the establishment of the United States government? **Can laws change over time yet remain aligned with the	**Students will understand that-** **Academic writing is an essential skill needed for effective communication **The United States (US) Constitution, a social contract between US citizens, has its foundation in theories such as natural rights and the state of nature **Authority is a power given by the

Constitution? **Can you elaborate on the reasons for Court protocols? **What information would you use to support the view that students should have the authority to operate a School Teen Court? **Can you assess the importance of restorative justice on a school community?	people **Restorative justice is about repairing relationships and not about punishments **The School Teen Court program's purpose is to restore justice to the community **Court proceedings require all participants to adhere to specific protocols
What key knowledge and skills will students acquire as a result of this unit?	
Students will know . . . **The structure and language required to write effective academic papers. **Law terminology well enough to communicate with colleagues on law issues. **The presentation skills needed to deliver persuasive arguments and examinations.	**Students will understand that . . .** **The roots of the United States Constitution's, a social contract. **Each court system has its protocols and jurisdictions. **The concept of restorative justice.
Determine Acceptable Evidence	
What evidence will show that students understand?	
Performance Tasks: **Students will write case preparations and an academic paper for each court case they present. Minimally, there will be two inferences for every fact in the examination/argument portion of the case/paper. **Students will present cases before the court. **Students will seek restorative consequences for each case prepared based on facts and inferences. **Students will officiate in the Court Hearings. **Students will collaborate with their colleagues in both their academic work and their Court work.	
What other evidence needs to be collected in light of *Acceptable Evidence*?	

Academic Writing

Academic writing is thesis-driven, requiring the student to write about, from, or through material [literature, primary sources, and other documents] in a content area. The body paragraphs rely on evidence (quotes and paraphrases) from the text and interpretation (inference and analysis based on the textual evidence). Academic writing allows the writer to speak from an authoritative point of view and from a formal register on a particular topic.



Adapted from the University of Arizona's description of Academic Writing
TUSD Office of Professional Development and Academics

Building Academic Vocabulary

Step 1. **Introduce the word.**

Write the word on the board or overhead.

Read the word and have the students repeat the word. If the word is difficult to pronounce or unfamiliar have the students repeat the word more than once.

Step 2. **Introduce the meaning of the word.**

Present a student-friendly explanation

Uses known words

Is easy to understand.

Have them read the explanation with you.

Introduce "word relatives"

persuasive (adjective)
persuade (verb)
persuasively (adverb)
persuasiveness (noun)

Step 3. **Illustrate the word with examples.**

Ask students to restate the description, explanation, or example in their own words in the vocabulary section of their Teen Court Manual.

Ask students to construct a picture, symbol, or graphic representing the term or phrase.

Step 4. **Check students' understanding.**

Option #1 Ask processing questions.

What is the difference between persuading someone to do something and telling them to do something?

Adapted from Anita Archer. 2006: Building Academic Vocabulary Teacher's Manual. Marzano. 2005

Four Day Mini Lesson Planning Persuasive Writing (5-10 minutes)		
Objective: Students will identify the issue and author's stand in examples of persuasive writing.	**Mini Lesson Teaching Points** **Purpose of persuasive writing** is to **take a stand on an issue** and present a logical argument to encourage others to do or think in a certain way.	**Materials:** * Overhead projector * **Take a Stand on an Issue** overhead and handouts.
Objective: Students will write a "stand" from the persuasive writing prompts.	**Independent Practice through Fast Fives**	**Materials:** **Fast 5 Persuasive** Day 1 and 2
Objective: Student will identify the issue, author's stand and evidence to support the stand.	**Mini Lesson Teaching Point** The structure for persuasive writing begins with an opening statement that tells the reader what is being argued and the stand the author is taking.	**Materials:** * Overhead projector * **Take a Stand on an Issue and Preview Evidence** overhead and handouts
Objective: Student will identify the issue, author's stand and evidence to support the stand.	**Independent Practice through Fast Fives**	**Materials:** **Fast 5 Persuasive** Day 1 and 2

Persuasive Writing
Take a Stand on an Issue

Teacher Models in a *Think Aloud*

"Anyone reading the Magna Carta today might wonder why it is recognized as a great milestone on the road to liberty. The document contains no lofty principles or idealistic language. It did little help the common people of England. It dealt mainly with the complaints of the wealthy barons who had dared to challenge the king. And yet the Magna Carta has had a lasting influence on the imaginations of succeeding generations, because it introduced the idea of writing human rights into law." -In Defense of Liberty

Issue:

_____

Stand:

_____

Total Class Together with Teacher

"Success in life was not to be measured in terms of money and personal advancement, but rather a goal must be the richest and highest development of one's own potential." -- Paul Robeson (1898-1976)

Issue:

_____

Stand:

_____

Pairs

"Few Old West gunfights matched the model of gunfights used by writers of western novels, movies and television. Most western shootouts lacked the tense walk toward danger by gunslingers prepared for battle. Instead, many erupted in or just outside saloons over liquor or cards." ---Studies in Arizona History

Issue:

_____

Stand:

_____

Persuasive Thesis Statements

Day One
Write a thesis statement for the following prompt using one/two sentence(s) to establish your stand.

"The most important quality any person can have is a sense of humor." Do you agree or disagree?

_____

_____

_____

Day Two
Write a thesis statement for the following prompt using one/two sentence(s) to establish your stand.

Would you rather be an only child or have many brothers and sisters?

_____

_____

_____

Day Three
Rewrite *Day One's* thesis statement on a separate sheet of paper. Finish the paragraph by introducing the reader to the three evidences you will use to defend your stand. (Minimum 5 sentences)

Day Four
Rewrite Day Two's thesis statement on a separate sheet of paper. Finish the paragraph by introducing to the reader the three evidences you will use to defend your stand. (Minimum 5 sentences)

Persuasive Writing
Structure First Paragraph
Take a Stand and Preview the Evidence

Teacher Models in a *Think Aloud*

"A 1910 Children's Aid Society report said that 87 percent of the orphan train riders had "done well." We cannot know exactly what the society meant by that, but 87 percent is a high success rate, especially since so many of the children had troubled beginnings. The riders have included a governor of a state, a governor of a territory, two members of Congress, two district attorneys, a justice of the Supreme Court, sheriffs, mayors, judges, college professors, clergymen, school superintendents, bankers, lawyers, postmasters, teachers, engineers, and at least 7,000 soldiers and sailors." --- *Orphan Train Rider*

Issue _____

Stand _____

Preview of Evidence _____

Total Class with Teacher

"Local officers' commitment to following the letter of the law might have been unpredictable, but they succeeded in making Arizona a less friendly place for outlaws. In particular, lawmen faced gangs of stage robbers and cattle rustlers." --- *Studies in Arizona History*

Issue _____

Stand _____

Preview of Evidence _____

Pairs

"Those first shots fired on Fort Sumter made it clear that there was no avoiding a war between North and South. Was the war about secession (leaving the Union) or slavery? This was a big problem for President Lincoln." --- *The Emancipation Proclamation*

Issue _____

Stand _____

Preview of Evidence _____

Evidence (Fact) verses Inference (Opinion)

Directions

Read the paragraphs. Then, using the 10 statements following the excerpt, place an "E" before the statements that are evidence, and "I" before the statements that are inferences.

Two men walked into the rain forest. Moments before, the forest had been alive with the sounds of squawking birds and howling monkeys. Now all was quiet as the creatures watched the two men and wondered why they had come.

The larger man stopped and pointed to a great Kapok tree. Then he left.

Excerpt from the *Great Kapok Tree*

_____ 1. There are birds and monkeys in the forest.
_____ 2. It rains a lot in the forest.
_____ 3. The birds were squawking.
_____ 4. Two men walked into the forest.
_____ 5. The animals in the forest had never seen a man before.
_____ 6. There are many Kapok trees in the forest.
_____ 7. Forests are noisy places.
_____ 8. The animals wondered why men had come into the forest.
_____ 9. The big man was the smaller man's boss.
_____ 10. One man left the forest.

Evidence verses Inference

Directions
Read the paragraphs. Use the 10 statements following the excerpt, place an "E" before the statements that are evidence, and "I" before the statements that are inferences.

A big meeting, or convention, was called to talk about how the government could work better. Delegates from twelve of the thirteen states met at the State House in Philadelphia on May 14, 1787. Delegates are people appointed to represent a group. All the states except Rhode Island sent delegates.

It took many days for the delegates to get to Philadelphia. They traveled by horse, by carriage, or by boat. Well-known American leaders such as James Madison, Alexander Hamilton, George Washington, and Benjamin Franklin came.

Benjamin Franklin, who lived near Philadelphia, didn't come by carriage. He was carried to the meeting in a Chinese sedan chair. He was eighty-one years old and had many aches and pains. Four prisoners carried his sedan chair.

_____ 1. Delegates from twelve of the thirteen states met in Philadelphia on May 14, 1787.
_____ 2. One state protested the meeting on May 14th and did not send a delegate.
_____ 3. Rhode Island did not send a delegate because it was so small a state that it decided to accept whatever the other states decided.
_____ 4. Delegates traveled by horse, carriage or boat.
_____ 5. Trains had not been built in the states in 1787.
_____ 6. Benjamin Franklin was carried in a sedan chair.
_____ 7. Carriages were not a comfortable means of travel.
_____ 8. Prisons existed in the states in 1787.
_____ 9. Benjamin Franklin was an important man in 1787.
_____ 10. Benjamin Franklin lived near Philadelphia.

Natural Rights

Topic: **Natural Rights** Date:	Grade: **8** Class: **Peer Justice** Duration: 2-3 class periods
Content Objective Students will be able to distinguish the rights that are considered natural and/or fundamental.	**Language Objective** Students will record their personal beliefs about rights.

Materials

Objectives and Higher Order Thinking Question posted.
Fast Five (FF) *Rights and Responsibilities*
Students' *Teen Court Vocabulary Notebook*
Natural Rights handout, one per group of four
Natural Rights Survey, one for each student
Chart paper for posting "rights" meaning
Chart for posting the class' decision on natural/fundamental rights.

Higher Order Thinking (HOT) Question

Do natural or fundamental rights change over time?

Teacher Activities

Building Background

Links to Experience

Pose the following question and spend 2 or 3 minutes sharing responses: **How do you feel when someone cuts in front of you in line? What do you do about it? Do you consider that no one has the right to cut in line? Is it your right to stand in line without any interruptions?**

Links to Learning

Fast Five – Rights and Responsibilities (On student's desks when they enter the room.)

Key Vocabulary:

rights, natural rights, fundamental rights

Student Activities		
Time	**Lesson Sequence**	**Notes for Language Support**
10 min.	**1. Links to Learning: Rights and Responsibilities** Share out. Tally the number of times students selected the same "most important" right. Explain that the day's work will focus on the relationship of **rights** and **responsibilities**.	
5 min.	**2. Review the Objectives and the HOT question.**	
10 min.	**3. Link to Experience:** Ask the questions and *Whip Around* for responses. (See *Whip Around* explanation on page 241.)	*Whip Around* can help students gain confidence in speaking out, especially when the students see no be

	complete the form individually or the teacher can work with the students that have problems reading and understanding the concepts.

10 min **Closure:** Debrief the *Natural Rights Survey*

Review and Assessments

Review Key Concepts:
Natural/Fundamental Rights

Assessments:
Observations while students work in groups
Praise, Prompt, and leave (PPL)
Talk a Mile a Minute for vocabulary
(See *Talk a Mile a Minute* explanation on page 267.)
Grade the groups' written assignments
Rights and Responsibilities
Window Notes
Natural Right Survey

Extensions

1. Review class chart on Important Rights created in this lesson. Relate those *rights* to the Founding Fathers' basic rights.

2. Revisit the HOT question. Have the students discuss the concept of *changing rights* relative to the Constitution. Do the *natural/fundamental rights* ever change?

3. Add *rights, natural rights, fundamental rights*, in the *Teen Court Vocabulary Notebook.*

4. Study the government's role in *Balancing Individual Rights and Public Safety*. (Included in materials)

Fast Fives - Rights / Responsibilities

What "right" do you consider the most important?

_____

What responsibilities are citizens obligated to practice, if they are given that right?

_____

_____

Fast Fives - Rights / Responsibilities

What "right" do you consider the most important?

_____

What responsibilities are citizens obligated to practice, if they are given that right?

_____

_____

Fast Fives - Rights / Responsibilities

What "right" do you consider the most important?

_____

What responsibilities are citizens obligated to practice, if they are given that right?

_____

_____

Natural Rights

A lot of people in the American colonies believed everyone had a right to life, liberty, and property. These rights were called **natural rights.** They were also referred to as, **basic rights** or **fundamental rights**. Everyone is born with these rights and they should not be taken away without a person's agreement.

Many Founder Fathers of the United States believed people received these rights from God. Others believed people have the rights just because it is natural for people to have them.

Life *is the right to live without fear of being injured or killed by others.* Example of how the right is protected (a law): _____

Liberty *is the right to be free.* Examples of liberties: _____

Property *is the right to own things such as books and land.* Examples of property: _____

John Locke, a famous English philosopher, lived from 1632 to 1704. In *Two Treatises of Civil Government* (1690), he wrote about natural rights. He explained the main purpose of government was to protect people's natural rights. He also said kings should not have absolute power (power without limits). They should not be able to deprive people of their natural rights.

American colonists read Locke's book and agreed with his beliefs about government. Those who had not actually read Locke's book knew his ideas from newspapers, political pamphlets, church sermons, and discussions.

Natural Rights Survey

Which of the following rights do you consider your natural rights/fundamental rights? Give a brief explanation of why you feel the right is a natural right or not. (The explanation of your opinion as to whether the right is a natural/fundamental right will help you identify the basis of your opinion.)

If natural right, check box.	**Right**	**Reason supporting your opinion.**
	Right to free speech.	
	Right to drive a car at age 18.	
	Right to vote.	
	Right to be tried by a jury of peers.	
	Right to three meals a day.	

The Balancing of Individual Rights and Public Safety

The Constitution, in conjunction with its Amendments, acts as a balance agent between a strong government that meets the changing needs of the nation while it protects the rights of the individual members.

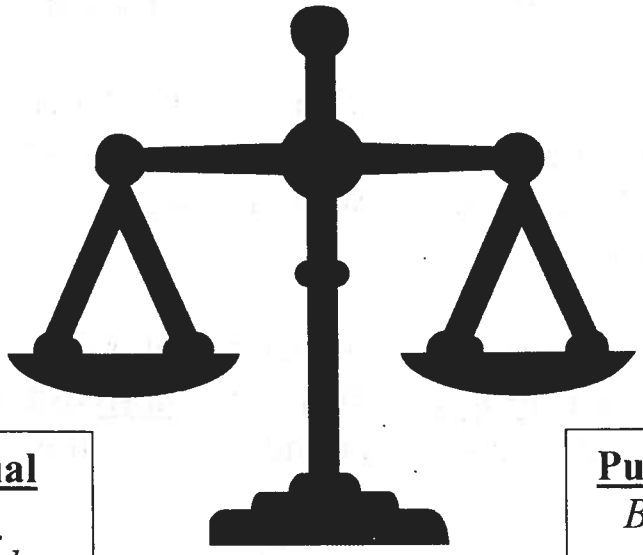
The Judicial Branch plays a significant role in preserving this balance between **public safety** and **individual rights**. Each citizen's rights extend to the boundary of another citizen's rights.

Directions

1. Select a **right** that you, as a citizen of the United States, have or should have. Write the **right** you selected in the box titled, **"Individual Rights."** You *may* choose from one of the following **rights:** speech, to learn, to gather with friends, to worship.

2. Complete the other side of the balancing scale by writing in the box titled, **"Public Safety,"** how the **right** has been amended or could be amended in order to **protect the public.**

3. An example:



Individual Rights
We have the right to ride our bikes.

Public Safety
By law, we must ride our bikes in the direction of the traffic.

Individual Rights

_____
_____
_____
_____
_____
_____

Public Safety

_____
_____
_____
_____
_____
_____

Do natural or fundamental rights change over time?

State of Nature

Topic: **State of Nature**	Grade: **8** Class: **Peer Justice**
Date:	Duration: 2 – 3 days inclusive of Extensions
Content Objective Students will analyze the John Locke's theory of the "state of nature."	**Language Objective** Students will read and write responses to the *State of Nature Exercise*.

Materials

Fast Five (FF) *Rights and Responsibilities* handout, one for each student
What Problems Might We Have Protecting Our Rights? overhead
State of Nature Exercise handout, one for each student
Chart paper, marking pens
Writing prompt on overhead

Higher Order Thinking Question

What judgment would you make about the theory, state of nature?

Teacher Activities

Building Background

Links to Experience

FF - Half sheet of paper with the following:
Write an explanatory paragraph answer the prompt: Why do you follow rules? (See *Fast Five* explanation on page 261.)

Links to Learning

Four Corners - The statement: Do you think the world would be a better place if people could do what they want without any rules?

Key Vocabulary

state of nature

Student Activities

Time	Lesson Sequence	Notes for Language Support
10 min	**1. Links to Experience**: *Fast Five* - Explanatory Writing Read responses to a partner.	

10 min	**2. Links to Learning:** *Four Corners* (See *Four Corners* explanation on page 262.)	A *Read Aloud* offers students the opportunity to listen to the flow of the language as well as the content. Students can also read along silently.
5 min	**3. Review the Objectives and the HOT question.**	
5 min	**4. Lesson Focus: State of Nature** a. *Read Aloud* from an overhead, students, *What Problems Might We Have Protecting Our Rights?* (See *Read Aloud* explanation on page 263.)	
10 min	**b.** In groups of four, students discuss questions listed in *State of Nature Exercise*. Each student fills out his/her own form.	Discussion before writing will offer English Language Learners opportunities to participate in oral language prior to group support in the written language
10 min	**c.** Group reaches consensus on "views" for Question 7. Write the groups' responses on chart paper and post for class to read.	
3 min	5. Ask, what is missing in a state of nature? Popcorn responses.	
10 min	**Closure:** Write a response to the HOT. Turn in.	

Review and Assessments

Review Key Concepts:
State of Nature

Assessments:
Observations while students work in groups
Praise, Prompt, and Leave (PPL)
Grade the groups' written assignments
Posted Charts with Question 7 responses

Extensions

1. *Carousel* the posted responses to Question 7. Each group reads a chart and responds with either "same" or a reaction to the group's view. (See *Carousel* explanation on page 241.)

2. Record *state of nature* in *Teen Court Vocabulary Notebooks.* *(See Teen Court Vocabulary Notebook explanation on page 264.)*

3. Compare an everyday situation that illustrates it in a *state of nature* versus an environment with rules.

4. Research the *state of nature*, why colonials accepted Locke's theories, what does freedom mean in the United States, etc.

John Locke

What Problems Might Occur When Protecting Rights?

Although people agreed on certain natural rights, they worried about how those rights would be protected. They knew **protecting** people's **rights** would be difficult.

John Locke, the English philosopher, and others thought about what life would be like in a situation where there was no government and no laws, in a **state of nature**. John Locke said:

1. Some people might try to take away other people's rights. The stronger people might force the weaker people to do the things the stronger people want. The weaker people might unite against the stronger people.

2. People would have natural rights, but their rights would not be safe.

3. It would be very hard to live a safe, peaceful, and happy life in a state of nature.

In forming the government, the Founding Fathers knew they needed a plan to **protect** their own **rights** and the **rights** of others.

State of Nature Exercise

Small Groups

Imagine that your group lives on an island far away. There are no rules, no laws, and no government. There is no one to tell you what to do. Together discuss and answer the following questions. Be prepared to discuss your group's ideas and conclusions.

1. Would anyone have the right to govern you? _____
Would you have the right to govern anyone else? _____
What inference can you make about the role of "governing" in a state of nature?_____
_____

2. In a state of nature, is a person totally free to do anything he/she wants?_____
What restrictions, if any, would a person have? _____
_____

3. Does a state of nature honor people's rights? _____
Why do you think this is true?_____
_____

4. What conclusions can you draw about what people, who are smarter or stronger than others, might try to do in a state of nature?
_____
_____

5. Can you predict the outcome of this class if it existed in a state of nature? _____
_____
_____
_____

6. What would be the advantages/disadvantages of living in a state of nature?

advantages _____

_____

disadvantages _____

_____

7. Based on your answers to questions 1 – 6, compare your conclusions with John Locke's views on the disadvantages in a state of nature. Indicate "same" if your group had the same idea's as Locke's. If your group had different ideas, write them in the space provided for your group's views.

Group's Views	Locke's Views
	a. Stronger and smarter people might try to take away other people's lives, liberty, or property.
	b. Weaker people might band together and take away the rights of the stronger and smarter people.
	c. People would be unprotected and insecure.

A Social Contract

A social contract is an agreement between people and their government. The people agree (consent) to give up some of their freedoms in exchange for the government's protection of their natural rights - life, liberty and property. The consent of the governed means people agree to obey the laws and the government.

Thomas Jefferson, in the Declaration of Independence, stated that the purpose of a government is to protect the rights of its people. He added the government gets its authority from the consent of the people. The Founders of the United States government agreed with John Locke and Thomas Jefferson; a contract was needed for the new country. They wanted a contract that would provide equal protection for everyone. People would not be able to do whatever they wanted, but the government would protect their natural rights to life, liberty and property.

The Founding Fathers created a social contract in 1787 and the people of the colonies agreed to it. The contract is titled, The Constitution of the United States. It is the longest continuously running governmental contract still in existence.
Today, Americans continue to live under the social contract with the United States government. Each American gives his/her consent to the social contract by remaining in the United States, living under its laws, and enjoying its benefits. Further affirmation of consent is demonstrated when the Pledge of Allegiance is recited, people vote in elections, or engage in a civic function.

Authority

Topic: **Authority** Date:	Grade: **8** Class: **Peer Justice** Duration:
Content Objective Students will explain the difference between authority and power without authority.	**Language Objective** Students will discuss and write about the *source of authority* for Teen Court students.

Materials:
Word Splash for Fast Five
Clock Colleague
A Dangerous Ride – overhead
Questions – overhead
What is the Difference between Authority and Power without Authority? handout or each student

Higher Order Questions
What information would support the view that students should have the authority to operate a School Teen Court?

Teacher Activities
Building Background

Links to Learning
Fast Five: Word Splash on students' desks when they arrive.

Links to Experience
Ask the question: **Have you ever had someone tell you what to do? Did *who* the person was make a difference as to whether you did what you were told?**

Key Vocabulary:
authority, power, justify, customs, laws, benefits

Student Activities

Time:	**Lesson Sequence**	**Notes for Language Support**
10 min.	**1. Links to Learning:** *Word Splash* Popcorn responses	
5 min.	**2. Links to Experience:** Question	

3 min.	**3. Review Objectives and HOT Question**	
5 min.	**4. Use *Clock Colleague* to identify pairs.** (See *Clock Colleague* explanation on page 265.)	
5 min.	One partner is A and the other B	
10 min.	**5. Read Aloud story, *A Dangerous Ride*** (Story shown for all students)	Provides visual language with oral language.
	6. Exercise: Questions shown for all students during exercise. **a.** A's explain to your partner: **What is similar about the actions of the gang members and the actions of the police officer?** **b.** B's are asked by the teacher: **Who can share your partner's explanation?** **c.** B's explain to your partner: **What is different about their actions?** **d.** A's are asked by the teacher: **Who can share your partner's explanation?** **e.** Partners discuss: **- Which people used power?** **- Which of them had the right to use power?**	Requires communication with minimal risk because it is between two people. Offers opportunity for English Language Learners who are comfortable with sharing.
1 min.	**7. Teacher to students:** This story illustrated the difference between ***power*** and ***authority***.	

10 min	**8. Show to all students:** **"Power** is the ability to control or direct something or someone." **9. Teacher to students:** Explain/ask questions to elicit that sometimes people have the right to use power; sometimes they don't. Example: If classmates try to force you to do something you don't want to do, they may have the power to do so, but they do not have the right. On the other hand when police officers control traffic, they have both the power **and** the right. **10. Show to all students:** **"Authority** is power combined with the right to use that power."	Provides visual language with oral language.
9 min.	**11. Groups will work on:** *What is the Difference between Authority and Power without Authority?* handout.	
1 min.	**Closure:** Popcorn *power* and *authority meanings*.	

Review and Assessments

Review Key Concepts: Authority versus Power

Assessments:

Observations while students work in groups
Praise, Prompt, and Leave (PPL)
Grade the groups' written assignments
Word Splash
What is the Difference between Authority and Power without Authority?

Extensions

1. Students record terms and meanings in *Teen Court Vocabulary Notebook.*

2. Hand out slips of paper with a scenario describing either *authority* or *power without authority*. Students identify the behavior illustrated in the scenario and then give evidence to support their choice.

3. Students write scenarios to illustrate the difference between *authority* and *power without authority* to give to other student for identification.

4. Create a Venn Diagram showing similarities – differences between *authority* and *power without authority*.

5. Discuss the flowchart labeling the *source of authority* in sequence from a Teen Court Student to the people. (Included in materials.)

6. *Where is Authority Found?* handout (Included in materials.)

7. *Why do We Need Authority?* handout (Included in materials.)

Word Splash

Directions: Connect each word to "authority" by drawing a line and briefly describe how the two words relate to each other.

power

consent

rights

source of authority

authority

customs

Teen Court Students

benefits

laws

principles of morality

A Dangerous Ride

Crime on subways in some cities is a serious problem. Roving gangs sometimes threaten passengers, rob them and, in some cases, physically attack them.

In one incident, late in the evening teenagers dressed in gang colors boarded a subway. One of the teenagers pulled a gun from his jacket. He demanded money and jewelry from an elderly couple.

A police officer riding on the car drew his gun and approached the gang members. "Freeze!" "Drop your guns and keep your hands in the air!" He quickly arrested and handcuffed the gang members.

Questions

What is similar about the actions of the gang members and the actions of the police officer?

What is different about their actions?

Which people were using power?

Which of them had the right to use power? Explain.

Power
is the ability to control
or direct something
or someone.

Authority
is power
combined with the right
to use that power.

What is the Difference Between Authority and Power Without Authority?

The difference between power and authority is important.

- **Power is the ability to control or direct something or someone.**

Sometimes people have the right to use power. Sometimes they do not. For example, if your classmates try to force you to do something you don't want to do, they may have the power to do so. They do not have the right. On the other hand when police officers control traffic, they have both the power and the right to do so.

- **Authority is power combined with the right to use that power.**

The right to use power usually comes from customs (traditions), laws, and/or principles of morality (basic ideas about right and wrong).

For example:

Your parents have the authority to punish you in a reasonable way for wrongdoing. They get the right to exercise this power from custom, from the law, and from principles of morality.
Your teacher has the authority to decide how to teach your class, because the law gives him/her the right to exercise this power.
Congress has the authority to pass laws because the Constitution gives it the right to exercise this power and the people consent to be governed under the Constitution.

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Exercise

In your groups, read the following two situations and answer the questions that follow. Be prepared to explain your group's answers to the class.

1. The referee ejects two players from the game for fighting.

Is this a situation illustrating the use of authority or power without authority? Explain your opinion with evidence.

_____

_____

_____

_____

2. Bob Washington, who is bigger than most of his friends, cuts in front of the line at lunch.

Is this a situation illustrating the use of authority or power without authority? Explain your opinion with evidence.

_____

_____

_____

_____

Why is it important to know the difference between power and authority?

_____

_____

_____

_____

_____

Where is Authority Found?

We can look around every day and find people who have the authority to govern us. Parents, teachers, police officers, and government officials are just some of the people who have the authority to regulate our actions. We are also controlled or influenced by laws and other rules. Some of the most common places we can find authority follows.

Roles Certain roles (***jobs or positions***) carry with them the authority to regulate or control people's behavior, no matter which persons are in these roles.

Example

1. Anyone filling the role of a police officer has the authority to require people to obey traffic laws, and

2. _____

_____

Institutions Groups of people, working together in certain institutions, or established organizations, also have authority to control or influence others.

Example

1. Your state legislature is an institution that has the authority to pass laws which people must obey, and

2. _____

_____

Laws and other rules Laws and rules, which we are obligated to follow, have authority.

Example

1. When you obey a law requiring you to attend school, you are recognizing the authority of the law, and
2. _____

_____

Customs Custom or traditions often become so well established they may be said to have authority.

Example

1. When you follow the practice, "first come, first served," you are recognizing the authority of a well established custom. It is a sign of the authority of this custom that, if you served someone at the back of the line instead of the person in the front, there probably would be loud complaints, and
2. _____

_____

Moral principles Moral principles – ***basic ideas about right and wrong*** – have great influence or force in governing our behavior. Most people do what is right most of the time. Some do so mainly because they do not want to be punished for doing wrong. However, many people do what is right because they believe they should.

Example:

1. Most people usually try to be fair and kind to others, and
2. _____

_____

Why Do We Need Authority?

What might happen if there was no authority?
Think of the rules you follow every day. Then think about the people in authority who sometimes tell you what to do. It might seem to you there are too many rules. There may even seem to be too many people in authority.

Have you ever wondered what might happen if there were no rules and no people in authority? What would happen if some people started causing trouble? What if jobs didn't get done that had to be done? Who would settle arguments or protect people's rights? Who would run the government? Would there be a government? Authority exists to protect our rights to life, liberty, and property.

Authority provides order and security in people's lives. Example: *Air traffic controllers prevent accidents and provide safety for airplane passengers.*

Authority manages conflict peacefully and fairly. Example: *Umpires referee baseball games and solve conflicts that occur. Courts manage conflicts over property and other matters.*

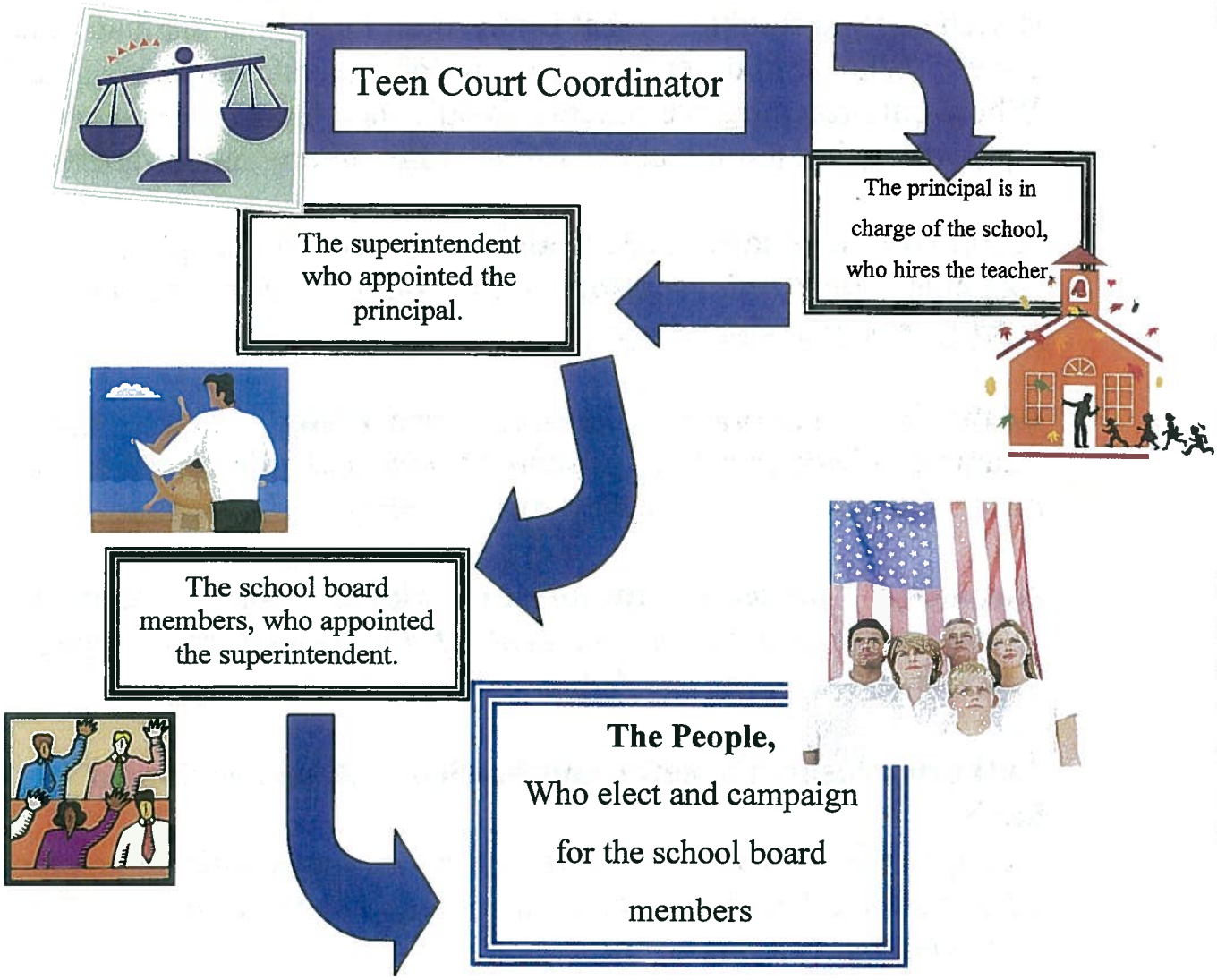
Authority protects important rights and freedoms. Example: *The First Amendment of the Constitution protects freedom of expression and belief.*

Authority ensures benefits and burdens will be distributed fairly.
Example: *Laws ensure all children have an opportunity to receive a free public education; parents may require their children to help with household chores.*

Where Does Authority Come From?

Authority can be found in a number of places. The right to regulate/control a person's behavior can be held by people in certain roles, institutions, laws, customs, and moral principles. Where does that right come from? What is the source of the right? What is the *source of authority*?

The *source of authority* for a rule or position can be traced through a number of steps. Example: What is the *source of authority* for a Teen Court Coordinator to operate a Teen Court Hearing?



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Law

Topic: **Laws**	Grade: **8** Class: **Peer Justice**
Date:	Duration: Class Period
Content Objective Students will compare ancient laws to today's laws.	**Language Objective** Students will write ancient laws as today's United States laws.

Materials

Teen Court (TC) Colleagues Clock
King Hammurabi's background
Code of Hammurabi in Paris, France
Why Do We Need Laws? handout for each student
5 of the 282 laws Contained in Hammurabi's Code of Laws handout per group
Comparison of a Crime Past and Present handout per group
Chart paper and felt pens per group
Chart paper for class brainstorm session
Ticket to Leave handout for each student

Higher Order Thinking (HOT) Question

Can laws change over time yet remain aligned with the Constitution?

Teacher Activities

Building Background

Links to Experience

Questions: Have you heard the phrase, "an eye for an eye?" What does it mean? Is it a basis for a good judicial system? Why or why not?

Links to Learning

Fast Five (FF) Why Do We Need Laws? (Handout on desks when students arrive.)

Key Vocabulary

Review - social contract, law

Student Activities		
Time	**Lesson Sequence**	**Notes for Language Support**
10 min	**1. Links to Learning:** **Fast Five:** Brainstorm and chart ideas.	
5 min	**2. Links to Experience:** Questions	
3 min	**3. Review the Objectives and present the HOT of the day.**	
10 min	**4. Lesson Focus: Purpose of Laws** **a.** Introduce King Hammurabi and the *Code* as a *Read Aloud.* (Stories shown for all students to read along.)	*Read Aloud* with text shown reinforces the language.
3 min	**b.** Find your 6:00 appointment from the TC Clock Colleague.	
15 min	**c.** With your partner, read and discuss the *Five Hammurabi's Laws.* **d.** Pairs join another pair to form a group of 4 students. **e.** Together, select one law to complete the exercise, *Comparison of a Crime Past and Present.* Each student completes his/her own paper, but works in the group in order to discuss ideas. **f.** On a large chart paper, write the ancient law chosen by the group and it rewritten as a modern law. Post the completed chart paper.	Working in pairs and then in groups of four to create structured environments for communication to be more inclusive.
10 min	**Closure:** Each group shares out their chart work.	

Review and Assessment

Review Key Concepts:
Relating ancient laws to modern laws

Assessments:
Pre-assessment on *Need for Laws* (FF)
Observation of group work
Praise, Prompt, and Leave (PPL)
Grade students' written work
Comparison of a Crime Past and Present assignment
Groups' charts on laws

Extensions

1. Discuss the HOT question:
Record students' responses on chart in order to revisit for further discussions as the students move through the *Street Law* curriculum.

2. Small group discussions with a *share out* to full class:
Why do we need laws?
What is the purpose for having laws?
Can laws change, but remain legal under the United States Constitution?
What is the purpose of the United States Constitution?
What is the difference between infractions and laws?

Why do we need laws?

Why do we need laws?

Why do we need laws?

Hammurabi's Code of Laws

Hammurabi's Code of Laws was written between 1727 BCE and 1680 BCE, 500 years before the Hebrew's Ten Commandments. It is one of the earliest sets of laws discovered. Hammurabi, King of Babylonia during the 18th century BC, believed his gods gave him the power to establish law and justice for his people. In his own words, Hammurabi said:

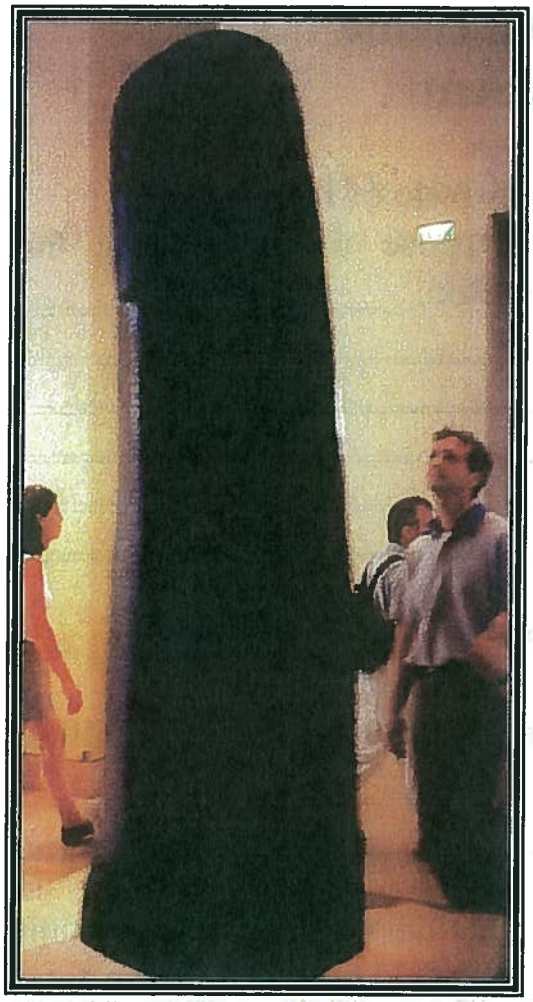
> "Anu and Bel called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the **strong should not harm the weak . . .**"

The Code's function was to explain the legal process and punishments. The second and fifth laws illustrate the Codes' role in Babylonia.

> 2. "If any one bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser." and

5. "If a judge try a case, reach a decision, and present his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgment."

As the two previous laws from Hammurabi's Code indicate, the basis for criminal law was "an eye for an eye," equal retaliation. The uniqueness of the Code of Hammurabi was that **the law protected the weak** described his laws as allowing: "… the land to enjoy stable government and good rule,…"



This eight foot black stone pillar contains the Code of Hammurabi, which now stands in the Louvre in Paris, France. Justice was a royal right in Mesopotamia, in the 18th century BC, King Hammurabi recorded in stone his wisest legal decisions. The text is written in cuneiform script. It is divided into three parts: 1. a historical introduction explaining the inauguration of Hammurabi in his role as "protector of the weak and oppressed," 2. an overview of his legal work to inform future generations, and 3. a description of almost three hundred laws and legal decisions written in simplified, everyday language to publicly proclaim the laws for all men to read and know what was required of them.

The carving is at the top of the eight foot pillar, known as the Code of Hammurabi. The scene depicted shows the king receiving his throne from Shamash, the god of justice. Remarkable for its legal content, this work is also an exceptional source of information about the society, religion. The stone was found in 1901 in a city in the Persian Mountains. It is believed that a conqueror carried it there from Babylon.

Comparison of a Crime
Past and Present

1. Read the five selected laws from the Code of Hammurabi. Select one law to study for the purpose of completing the following exercise. Write the law selected. _____

_____

_____

_____

_____

_____

2. What is the crime described in this law? _____

3. What is the consequence identified in this law for committing the crime? _____

_____

4. Is the crime described in this law considered a crime in present day United States? _____

5. Does this crime still carry the same consequences as in Hammurabi's day or is the consequence different?
Circle one: same different

6. If the consequence is different for the crime, what does the United States judicial system now award the person(s) who commits the crime? _____

_____

7. Why do you think the consequences are different today?

_____

_____

_____

8. Which` consequence, the one identified in Hammurabi's Code or the one used in the United States, is better for keeping a person from committing the crime again? _____
Explain your thinking. _____

_____

_____

_____

9. Why do you think King Hammurabi described the crime and the consequences in a story format instead of just naming the crime and possible consequences? _____

_____

_____

_____

_____

Five of the 282 Laws Contained in Hammurabi's Code of Laws

If the purchaser does not bring the merchant and the witnesses before whom he bought the article, but its owner bring witnesses who identify it, the buyer is the thief and shall be put to death, and the owner receives the lost article

If fire breaks out in a house, and someone who comes to put it out cast his eye upon the property of the owner of the house, and take the property of the master of the house, he shall be thrown into that self-same fire

If any one steals the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death

If a man take a wife, and she be seized by disease, if he then desire to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives

If a man breaks another man's bone, his bone shall be broken

Courts

Topic: **Court Systems** Date:	Grade: **8** Class: **Peer Justice** Duration: 1 class period
Content Objective Students will explain the TUSD Peer Justice School Teen Courts' authority and specific jurisdiction	**Language Objective** Students will write brief descriptions regarding Court systems and will take notes during a Guided Lecture.

Materials

Word Splash – Court Systems
Previously student made charts on the Dual Court System and jurisdictions
Structured note page – optional
Three index cards for each student
List of infractions in TUSD Peer Justice Jurisdiction
Teen Court Vocabulary Handbook
Ticket to Leave forms for each student

Higher Order Thinking (HOT) Question

"How would you explain TUSD School Teen Courts' authority and jurisdiction?"

Teacher Activities

Building Background

Links to Experience

Question: How many ways can you get a book to read? (buy/school library/city library/borrow from a friend) Do you want to own it? Do you want to check the school library since you are already here? Borrow from a friend who can bring it to you? Want to go to a branch library? Want to go to the main library? Ultimately, you will have your problem solved. The Court System for the United States is similar in that there is several systems that can be used based on certain criteria.

Links to Learning

What Makes You Say That?

Key Vocabulary jurisdiction, infractions		
	Student Activities	
Time	**Lesson Sequence**	**Notes for Language Support**
10 min **(Includes time to share responses.)**	**1. Links to Learning** What Makes You Say That?	FF – is a review and requires limited written descriptions of the relationships between Court terms. Share out will include opportunities for students to fill in missing links.
5 min	**2. Links to Experience** Series of Questions	
3 min	**3. Review Objectives and the HOT Question**	
25 min	**4. Lesson Focus: TUSD Peer Justice Jurisdictions** **a.** Review court systems previously examined in both the federal and state court systems and the type of cases heard in each court. (On previously made charts.) **b.** Think, Pair, Share (See *Think, Pair, Share* explanation on page 263.) Think about the information just reviewed. Write down three statements about it on an index card. Exchange your responses with your partner. Total class – identify the most frequently mentioned ideas. **c.** Guided Lecture (See Guided Lecture explanation on page 261.) Students take notes. Explain School Teen Courts by (1) tracing	Review includes both verbal and written language arranged graphically to show court relationships. Promotes discussions as well as limited written language. Opportunity to expand information. Structured notes will be given to English Language Learners (ELL) and any other student that needs or requests assistance in taking notes.

	back the *source of their authority* and (2) identifying their *jurisdiction* in TUSD. Introduce the term, *infraction*. A list of *infractions* for court needs to be included in the talk. **d.** Students are given a short period of time to review their notes. After reviewing their notes, students share and discuss their notes in small groups to ensure accuracy of information and to form any clarification questions needed to be addressed.	Discussion and sharing of notes offers the opportunity to clarify information and strengthens the retention of information.
10 min	**5. Vocabulary** Students add *jurisdiction* and *infractions* to their *Teen Court Vocabulary Handbook.*	Strong emphasis on vocabulary development of terms to be used in class/court work.
5 min	**Closure: Ticket to Leave** Respond to prompt on board, "Based on what you know, how would you sum up TUSD School Teen Courts' *authority* and *jurisdiction*?"	

Review and Assessment

Review Key Concepts:
Ticket to leave to include the concepts of *authority*, *jurisdiction*, and *infractions* with regards to School Teen Courts.

Assessments:
Word Splash
Think, Pair, Share
Guided Lecture Notes
Observation of group work
Praise, Prompt, Leave (PPL)
Clarification questions from the small group discussions

What Makes You Say That?

Directions:

1. Take a stand by choosing one of the following two statements as your thesis statement.

Although the United States has two court systems, a federal and state, the judicial structure would be better if there was only one system for the whole country.

or

The United States has an effective judicial structure by using two court systems, federal and state.

2. Write a paragraph using the chosen thesis statement. Support your thesis (stand) with an evidence and an inference relative to the evidence. (In other words, why do you thing the statement you chose is correct and explain why you think that.)

_____

_____

_____

_____

_____

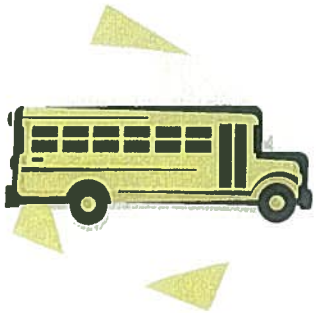
_____

_____

_____

_____

_____



Ticket to Leave

Signed: _____

Date: _____

_____

_____

_____

_____

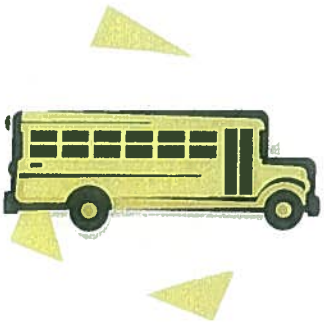
_____

_____

_____

_____

_____



Ticket to Leave

Signed: _____

Date _____

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Restorative Justice

Topic: **Restorative Justice** Date:	Grade: **8** Class: **Peer Justice** Duration: 1-2 class periods
Content Objective Students will develop a process for creating restorative consequences to address repairing the harms to victim, offender (Minor), offender's parents, community, and to strengthen the relationships.	**Language Objective** During the total class and small group work, the student will assist in creating and writing restorative consequences.

Materials
Overhead and pens
Objectives and HOT posted.
Fast Five (FF) *Punitive versus Restorative* handout
Students' *Teen Court Vocabulary Notebook*
Options Explosion handout
Cutting in Line handout

Higher Order Thinking (HOT) Question
Can you assess the impact of the restorative justice concept on a school community?

Teacher Activities
Building Background

Links to Experience
Pose the following question and spend 2 or 3 minutes sharing responses: **What are all the different ways you can get from this classroom to the office? (Have them describe ways that may not be the direct way, but will still achieve the goal.)**

Links to Learning
Fast Five – *Punitive versus Restorative*

Key Vocabulary:
Review: *punitive*, *restorative*, *constructive*, *consequences*

Student Activities		
Time	**Lesson Sequence**	**Notes for Language Support**
10 min	**1. Links to Learning** Punitive versus Restorative Share out.	
5 min	**2. Links to Experience:** Questions	
3 min	**3. Review the objectives and the HOT question.**	
15 min	**4. Lesson focus: Process for creating restorative consequences** **a.** Through questions, guide students to understand there are *obvious options* and *less obvious solutions*. Relate to the questions from Links to Learning. Add, ***you can send you voice to the office using a call button***. This is a *hidden option*. **b.** Model the *Option Explosion* (OE) in a *Think Aloud* by using one of the harms identified in the Cutting in Line scenario. (See *Think Aloud* explanation on page 263.)	Introduce *Option Explosion* through the *Gradual Release of Responsibility* procedure. It insures students have a support system in learning a new concept. (See *Gradual Release of Responsibility* explanation on page 261.)
5 min	**c.** Together, take another harm from the scenario and follow the OE process.	
5 min	**d.** Together, take a third harm from the scernario and follow the OE process.	
5 min	**e.** In small groups, complete the fourth harm using the OE process.	
2 min	**Closure:** Popcorn – Name one difference between restorative and punitive consequences.	

Review and Assessments

Review Key Concepts:
Restorative Consequences

Assessments:
1. Students' OE practice paperwork
2. Observations while students work in groups
   Praise, Prompt, and Leave (PPL)

Extensions

1. Continue group practice until there is an *automaticity* to using the OE process. Individual work can be used to observe whether each student knows the process. However, the use of OE will be used in groups for the Court work.

2. Review the Key Vocabulary as it applies to the creation consequences.

OPTIONS EXPLOSION

A Routine for Creative Decision Making

What kind of thinking does this routine encourage?
This routine fosters creative thinking. It helps explore "hidden" options in a decision-making situation. Often people don't make good decisions because they miss the hidden options. It is also relevant to understanding.

Tips for starting and using this routine

1. Emphasize that maybe there are good hidden options, maybe not – we have to find out by looking.
2. Put the ideas on the blackboard or have students write them on Post-its and stick them up.
3. Use an explosion-like diagram with radiating lines instead of a list if you want to emphasize the spirit, but a list is okay too.
4. Remember, crazy ideas are okay – they are just part of the mix and they may lead to something else by piggybacking.
5. In many classroom situations the point is to use creative thinking to understand the situation.

The Routine

1. List the obvious options. There would not be a decision unless there were at least two or three obvious options.

2. Now brainstorm all sorts of different options to find the "hidden" options. Often there are hidden options that are the real best choices. Be imaginative! Piggyback on ideas already up, combine ideas to get new ones, look for ideas of a very different kind, imagine you are in different roles and suggest ideas from the perspective of those roles, etc.

3. Ask: What have we learned about the situation from finding these options? This is a way of understanding the situation better.

Harvard University's Project Zero. Visible Thinking: http://www.pz.harvard.edu/vt/VisibleThinking html

Options Explosion

Scenario:
Regina cut in line at lunch today for the second time this week. The first time she was caught cutting in line was Monday. At that time I asked her to go to the end of the line. She did, but as soon as I turned around to talk to some of the other students, she cut back in line. I sent her to the back of the line and stood with her until she got her lunch. When I caught her today, I warned her that she would get a referral if I caught her again. However, when I went to take a care of a situation briefly, I looked back over at the lunch line and Regina had cut back in line. This habit needs to be stopped.
Ralph, Lunch Monitor

Harms

victim - ***monitor*** - loss of time, stress, loss of trust
community – ***students in line*** – loss of time, frustrations.
Minor – loss of trust from monitor, loss of trust from student's in line,
Minor's family – embarrassment of daughter's action, loss of time to attend Hearing and Decision-Making Workshop.

Restorative Consequences

victim _____

community _____

Minor _____

Minor's family _____

Options Explosion Worksheet

Offense: _____
Area of harm: _____
Specific harm: _____

Obvious options
1. _____
_____
2. _____
_____
3. _____
_____

Hidden options
1. Piggyback on ideas already listed.
_____
_____

2. Combine ideas to get new ones.
_____
_____

3. Look for ideas of a very different kind.
_____
_____

4. Imagine you are in different roles.
   a. The teacher _____

   b. A student in the class_____

Most effective consequence to repair the harm to _____
_____

Student Engagement Strategies

Brief Explanations of the Student Engagement Strategies Identified in the Lessons

Carousel Brainstorm

Students are in groups of three or four. Each group creates a document on a sheet of newsprint/chart paper relative to the topic. Each group uses a particular colored marker. The group posts their chart paper. Each group's sheet has a different subtopic written on it. Explain to the students they will have 30 seconds to read the document and then write additional ideas, comments, or terms associated with the topic on the chart using their group's particular colored marker. At the end of the 30 seconds, tell the students to cap their markers, keep them, and move to the right (or left) to the next posted chart. After three or four passings, extend the writing time to 40 seconds or perhaps up to a minute, because the more obvious ideas will have been recorded by previous groups. Students will need more time to discuss and formulate the less obvious ideas. Continue the "carousel" until all groups have responded to the each chart posted.

Each group studies the responses on the chart they created and posted. They evaluate the added information and incorporate it with their original thoughts and produce a final document.

Fast Five

Students arrive in the classroom and begin immediately on independent work either posted on the board or provided on their desks. The work should review previous concepts or introduce in a format familiar to the students the lesson of the day and usually not require more than 5-10 minutes to complete.

Four Corners

The teacher makes a statement about a situation or dilemma. The students are then asked to go to one of the four corners of the room which are marked:

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree.

There the students exchange their opinions or reasoning, and summarize their corner groups' reasoning for the rest of the class.

Gradual Release of Responsibility

When a new skill or concept is introduced to students there is a learning sequence recommended based on Vygotsky's *Gradual Release of Responsibility.* The sequence is as follows:

I do (teacher models)
We do (whole class practice w/teacher)
Y'all do (small group or partner practice while teacher monitors)
You do (independent practice)

Students need enough supported practice (We do, Y'all do) that they can experience success when they do the work independently (You do).

Guided Lecture

The teacher presents information through a lecture and the students take notes. (The students can take notes in a variety of ways such as a filling in blanks on an already partially written outline of the lecture.) Then the students are given a short period of time to review their notes. After reviewing their notes, students share and discuss their notes in small groups to ensure they have recorded accurate information.

Read Aloud

The teacher (or student) reads a text to the students.

Reciprocal Teaching

1. Put students in groups of four.
2. Distribute one note card to each member of the group identifying each person's unique role.
    - summarizer
    - questioner
    - clarifier
    - predictor
3. Have students read a few paragraphs of the assigned text selection. Encourage them to use note-taking strategies such as selective underlining or sticky-notes to help them better prepare for their role in the discussion.
4. At the given stopping point, the Summarizer will highlight the key ideas up to this point in the reading.
5. The Questioner poses questions about the selection:
    - unclear parts
    - puzzling information
    - connections to other concepts already learned
    - motivations of the agents or actors or characters
    - etc.
6. The Clarifier will address confusing parts and attempt to answer the questions that were just posed.
7. The Predictor can offer guesses about what the author will tell the group next or, if it's a literary selection, the predictor might suggest what the next events in the story will be.
8. The roles in the group then switch one person to the right, and the next selection is read. Students repeat the process using their new roles. This continues until the entire selection is read.

Socratic Seminar

The *Socratic Seminar* provokes student thought, dialogue and ownership for learning by taking a subject, idea, statement or argument and raising thoughtful questions without proposing answers. Students speak 97 percent of the class time as they back up their opinions with textual evidence, challenge each other's views and find, articulate and develop their own "voice."

Teen Court Vocabulary Notebook

Students maintain a notebook containing vocabulary words introduced in class. Each word will have the following information provided by the student: a student created description of the word and an illustration of an aspect of the word that would trigger the memory of the word's meaning. Ideas on components of a vocabulary notebook are adapted from the work presented by Robert Marzano with regards to vocabulary.

Think Aloud

The teacher (or student) presents a skill, solution to a problem or a strategy to the students explaining their thinking as they present. The purpose of a *Think Aloud* is to make the presenter's invisible thoughts visible.

Think-Pair-Share

This is a cooperative discussion strategy developed by Frank Lyman and his colleagues in Maryland. The name relates to the three stages of student action.

Think - The teacher stimulates student thinking by posing a question or problem. The students THINK about the question.
Pair - Designated partners PAIR up to talk about their responses.
Share - The teacher invite pairs to SHARE their thinking with the rest of the class.

Three-Minute Pause

Three-Minute Pause is a break in large sections of content. It provides a chance for students to stop, reflect on the concepts and ideas that have just been introduced, make connections to prior knowledge or experience, and seek clarification. This can be a structured pause by asking students to work with partners or in small groups and ask each other:

What are the key ideas?
What connections can be made?
Are there things that are still not clear?

The *Three-Minute Pause* is a chance for students to consolidate and clarify their understanding, before new ideas/concepts are taught.

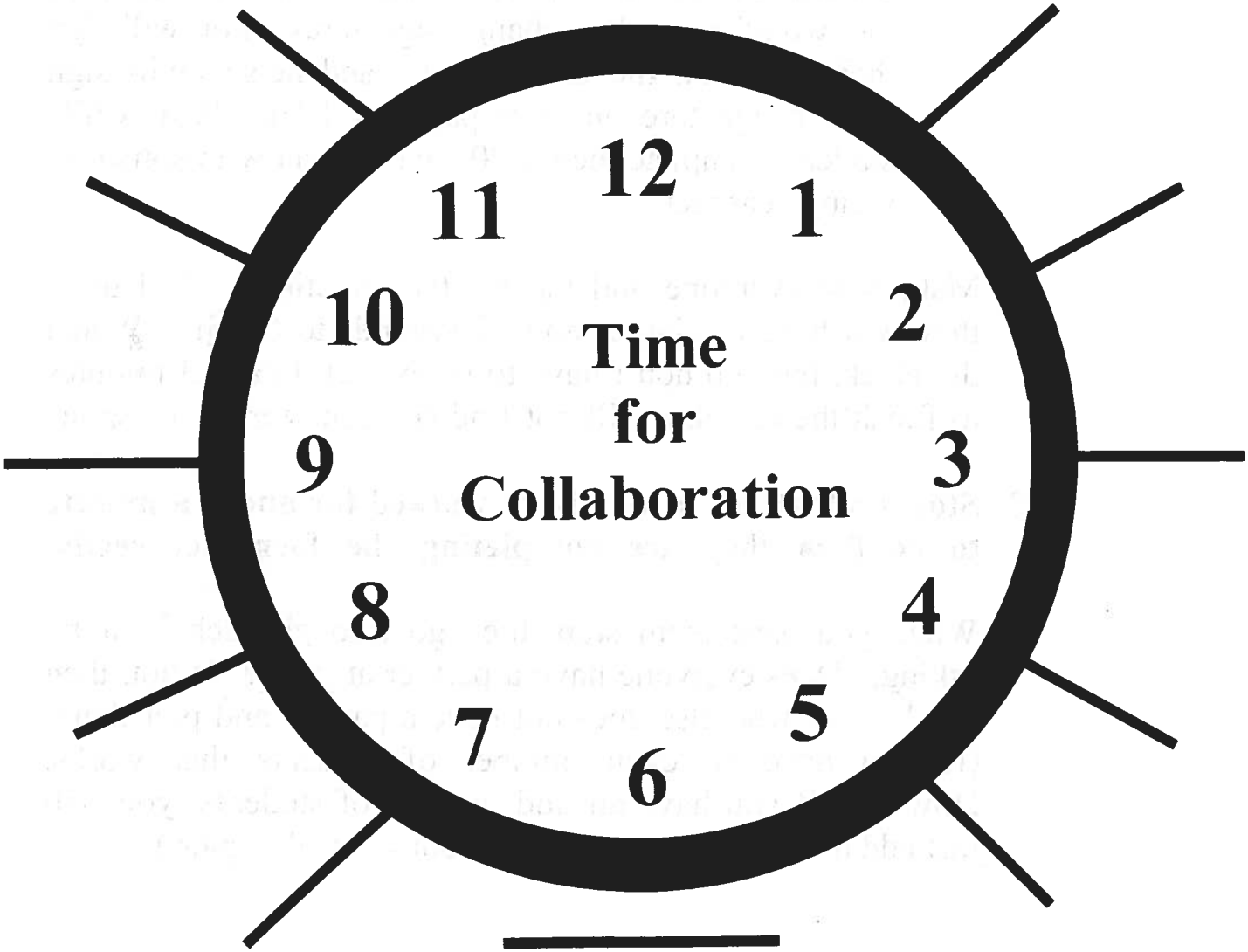
Whip Around

The teacher poses a question or problem. Each student is given the opportunity to respond quickly.

Window Notes

Students divide their paper into four parts and label each section as follows: Facts/details, feelings, questions, and ideas.

Teen Court Colleagues



Teen Court Colleagues (20 min.)

Model the process using a form on the overhead.

1. Explain:
   a. There will be times that you will need to work in groups. *Teen Court Colleagues* is a form you will use to set up "appointments" with specific colleagues. You must have 12 different people identified on your form.

   b. Procedure: You will ask one person at you table to be your colleague at 1:00 like this, "Will you be my colleague at 1:00?" If he/she has a blank at1:00, then the two of you will exchange signatures. You will sign their clock on the line by 1:00 and he/she will sign his/her signature on your paper at 1:00. Wait while students complete their 1:00 appointment with someone sitting near them.

2. Make sure everyone understands the directions. Tell them they will have 8 minutes and 42 seconds to finish. (Watch the clock, but you don't have to be exact.) Leave 3 minutes to finish the few that will not find someone for all 12 spots.

3. **Stop students after they have worked for about a minute to confirm they are completing the forms correctly.**

4. When you have them stop, then go through each hour by asking, "Does everyone have a partner at ____? If not, then quickly ask who else does not have a partner and pair them. (If you have an even number of students that works. However, if you have an odd number of students, you will just add the extra student at each hour to another pair.)

Talk a Mile a Minute
Vocabulary Practice

1. Create a chart of vocabulary words large enough for students to see from their seats. Keep chart covered until the activity begins.

restorative justice jurisdictions infractions victim power

2. Students, working in pairs, decide who is A and who is B.

3. Explain

   a. As' sit with their backs to the chart and Bs' sit facing the chart and their partner.

   b. B describes the first word's meaning without mentioning any letters.

   c. A will guess the word being described.

   d. B can move to the next word as soon as A guesses the word.

   e. The first pair completing the list will silently raise their hands.

4. Remind the students to speak in lowered voices so the pairs around them won't hear the clues or answers.
5. Uncover chart for the activity to begin.
6. After a winner, switch roles and display another chart.