



OPENING

COURTHOUSE DOORS

SCHOOL VISITS TOOLKIT

RESOURCES FOR NEW YORK STATE JUDGES AND EDUCATORS

CENTER

FOR

COURT

INNOVATION

TABLE OF CONTENTS

The Value of School Visits	2
Correlation to Learning Standards	2
Goals and Objectives of Classroom Visits	3
Goal and Objectives	3
Grade Levels	3
Time.....	3
Resources	3
Suggestions for Successful School Visits.....	4
Before the Visit	4
During the Visit.....	4
After the Visit	5
Talking Points, Activities and Exercises	6
What it Means to be a Judge.....	6
Principles of the Justice System.....	6
Public Service	8
Resource A: New York State Judicial Districts.....	9
Resource B: Structure of the New York State Court System.....	10
Resource C: Overview of the Criminal Court Process.....	11
Resource D: Comparison of the New York State and Federal Court Systems.....	12
Resource E: Trial Jury Service	13
Resource F: Grand Jury Service	17
Additional Resources	20
New York State Court System.....	20
Educational Resources.....	20
Opportunities for Student Involvement	20



The Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State Unified Court System’s independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. Nationally, the Center disseminates the lessons learned from its experiments in New York, helping court reformers across the country launch their own problem-solving innovations. For more information about the work of the Center, visit WWW.COURTINNOVATION.ORG

Judges are uniquely positioned to teach students about how courts work and the role they play in our democracy and our communities. Judges can provide insight into the relevance of law and key democratic values in their work and in our justice system, thereby connecting classroom lessons and historical events to current, real world challenges. Furthermore, students rarely see the inside of a courtroom or a judge in action. By speaking directly to students about their work, judges can make the work of the justice system real and meaningful to young people. This Toolkit provides resources to help maximize the impact of school visits by judges.

CORRELATION TO LEARNING STANDARDS

Presentations by judges readily correspond with state and national learning standards for social studies and civics, as identified below:

New York State Social Studies Standards

Standard 5: Civics, Citizenship, and Government, *Key Idea 2*: The state and federal governments established by the Constitutions of the United States and the State of New York embody basic civic values (such as justice, honesty, self-discipline, due process, equality, majority rule with respect for minority rights, and respect for self, others, and property), principles, and practices and establish a system of shared and limited government.

National Standards for Civics and Government: 9-12 Content Standards

II. What are the foundations of the American political system?

III. How does the government established by the Constitution embody the purposes, values and principles of American democracy?

Mid-continent Research for Education and Learning (McREL) Standards

Civics Standard 18: Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights

GOAL AND OBJECTIVES

Students will learn about the background and responsibilities of the visiting judge (“Judge”), how the Judge's court works, and the fundamental democratic values that underlie the American judicial system. Objectives for the visit include:

- The student will be able to identify the Judge’s primary responsibilities and the role he or she plays in the court.
- The student will understand how the visitor became a judge, including the selection process and educational and professional requirements.
- The student will become familiar with the responsibilities and professional backgrounds of other key players in the courtroom.
- The student will understand how the Judge's court works and how it fits into New York’s court system.

Additional learning objectives may be met based on the activities and exercises that are used during the Judge's visit.

GRADE LEVELS

The Toolkit is designed for presentations to students in grades 9-12.

TIME

This Toolkit offers ideas for conducting visits between 45 minutes and an hour long.

RESOURCES

The resources described in this guide also may be useful for teacher preparation, student handouts, or enrichment activities.

The following suggestions are intended to assist judges when preparing for and conducting classroom visits:

BEFORE THE VISIT

- Contact the teacher before the visit to discuss:
 - Curriculum for the visit:
 - What particular topics would the teacher like you to address?
 - What curriculum goals does the teacher have for the visit?
 - What related topic areas have been covered in class so far?
 - How will students prepare for the visit? What follow-up activities will take place after the visit, if any?
 - Logistics:
 - How much time will you have?
 - How many students will you be addressing?
 - Will the students have name badges?
 - Where should you go when you enter the school?
- A classroom visit presents the opportunity for a judge to talk about a range of topics and/or to lead a variety of engaging activities. The next section, *Talking Points, Activities and Exercises*, is intended to help prepare for a classroom visit.
- If you frequently see young people in your court and it is possible that a student in the class you are visiting has had a case before you, ask the teacher for students' names and other identifying information such as date of birth. If you identify a student as a party in a case you have adjudicated and feel you cannot interact with that student, explain the conflict to the teacher (without revealing the youth's identity) and together decide on the best approach.

DURING THE VISIT

- Explain why you chose to take time from your busy schedule to visit the classroom; let the students know why the visit is important to you.
- Tips for presentations:
 - Consider beginning the visit with an icebreaker. For example, ask students to raise their hands in response to questions about law and the court system, such as:
 - Have any students ever met a judge before?
 - Can anyone name the highest court in New York State?
 - Can anyone guess the requirements for becoming a judge?
 - Whenever possible, use "plain language" instead of legal jargon. The New York State Unified Court System publishes a glossary of legal terms for students and court users at <http://www.nycourts.gov/lawlibraries/glossary.shtml>.
 - Encourage students to ask questions if they do not understand concepts described or terms used during the presentation.

- If available, bring giveaways for the students, such as items with the court's logo or name. For younger students, consider bringing a tool you use in your work, such as a gavel or a robe.
- If you recognize a student as having been involved in a case before you and feel that you cannot interact with that student, ask to speak with the teacher privately. Without revealing the youth's identity, explain the conflict to the teacher, and together decide on the best approach.
- At the end of the visit, thank the students for their hospitality and their attention. Compliment the students on something positive they did during the visit, such as asking good questions, demonstrating knowledge about the topic, or participating in an activity.

AFTER THE VISIT

- If possible, follow up with the teacher to learn what worked and what could be improved in future visits.
- Consider staying in touch with the students. Meeting a judge is a rare opportunity for young people; the experience can spark interest in the law, public service and civic engagement. Visiting the students again or staying in touch by letter or email expands the opportunity to encourage students make a difference in the civic life of their communities.

WHAT IT MEANS TO BE A JUDGE

Talking points:

- Describe the educational and professional path you took to become a judge.
- Describe a typical day.
- Describe your courtroom and roles played by other people who work there.
- Talk about issues you grapple with, especially those that may be of particular interest to youth or the local community.
- Describe an especially memorable case over which you have presided.
- Talk about the knowledge, skills and experiences that make for a good judge.
- *Handout: Presentation Notes*

Activities:

No Vehicles in the Park

Overview: The goal of this lesson is for students to understand judicial decision-making and interpretation of the law. Students are presented with local legislation that reads: “No vehicles in the park,” and must interpret the ordinance through several scenarios.

Resource(s): American Bar Association, <http://www.abanet.org/publiced/volunteer/novehicles.html>

A Test Case for Individual Rights: Assessing Whether Student Drug Testing Is a Violation of Student Rights

Overview: In this lesson, students examine different points of view regarding testing students for drug use. They will then work in pairs to create and perform dialogues that flesh out two sides of the argument on the issue.

Resource(s): The New York Times Learning Network, <http://www.nytimes.com/learning/teachers/lessons/19990820friday.html>

A Safe Place for Hate? Exploring the Conflict between Free Speech and Social Responsibility on the Internet

Overview: In this lesson, students explore a conflict over the admission of hate-related information onto web portals and other web sites, and, after representing various points of view involved in this conflict, propose possible solutions to the problem.

Resource(s): The New York Times Learning Network, <http://www.nytimes.com/learning/teachers/lessons/20001130thursday.html>

PRINCIPLES OF THE JUSTICE SYSTEM

Talking points:

- Describe key aspects of our judicial system, including:
 - Neutral/impartial finders of fact (judge or jury);

- Judicial independence;
 - Appellate review;
 - Role of precedent;
 - Adversarial system.
- *Resource C: Overview of the Criminal Court Process*
- *Handout: Criminal Court Process*

- Describe dual state/federal court systems.
 - The United States Constitution provides the framework for a federalist government in which the national government shares power with state governments.
 - This division of power results in two distinct sets of laws and two court systems to interpret and apply these laws.
 - The New York State Unified Court System is divided geographically into four judicial departments and twelve judicial districts.
 - *Resource A: New York State Judicial Districts*
 - *Resource D: Comparison of the New York State and Federal Court Systems*
 - *Handout: Comparison of New York State and Federal Court Systems*

- Describe the appeals process.
 - In the state and federal court systems, the first court to hear a case is commonly called a "trial court," although more precisely it is a "court of original instance" or "original jurisdiction."
 - A party who is not satisfied with the outcome of their case in a court of original instance may decide to appeal the decision; an appellate court will then hear the case.
 - The appellate court does not retry cases; it examines the record and determines whether the trial court interpreted and applied the law correctly to the facts as developed in the trial court.
 - If a party disagrees with an appellate court decision, the party can ask a higher appellate court to hear the case. In the federal system, the highest appellate court is the Supreme Court of the United States. In New York's system, the highest court is the Court of Appeals.
 - If an appellate court decides that the trial court interpreted or applied the law incorrectly, then the appellate court can overturn the lower court's decision and return the case to the trial court for further proceedings.
 - *Resource B: Structure of the New York State Court System*
 - *Resource D: Comparison of the New York State and Federal Court Systems*
 - *Handout: The Appeals Process*

Activities:

Judicial Decision-Making and the Constitution

Overview: The goal of this activity is to help students understand how judges make decisions through the interpretation and application of law. Students will participate in a simulated activity requiring them to resolve a case involving constitutional issues.

Resource(s): TBD

PUBLIC SERVICE

Talking points:

- Talk about the public service performed by judges and other justice system professionals; broaden to a discussion of the importance of public service (including volunteer work) and student efforts to make a difference in the civic life of their communities.
- Describe the role of jurors and the importance of jury service in our justice system.
 - The kind of jury most people are familiar with is the “trial jury,” which is sometimes called petit jury. The right of trial by jury is fundamental to our justice system.
 - In a criminal court case, a jury considers all of the evidence and determines whether the prosecution has satisfied its burden to prove that the defendant is guilty.
 - There is another type of jury: the grand jury. A grand jury does not decide whether or not a person has been proven guilty. The grand jury decides whether or not a person should be formally charged with a crime or other offense. The grand jury makes that decision based on evidence presented to it by the prosecutor, who also instructs the grand jury on the law. The grand jury's decision must be based on the evidence and on the law.
 - *Resource E: Trial Jury Service*
 - *Resource F: Grand Jury Service*
 - *Handout: Criminal Trial and Grand Juries*
 - *Handout: Trial Jury Service*

Activities:

What is public service?

Goal: Students will explore the role of public service in their community.

Activity: Ask students to brainstorm a list of the responsibilities of public servants. Questions for discussion: What are different examples of public service? How are the responsibilities of public servants different from leaders in the private sector? How do public servants know if they have been successful? What makes for an effective public servant, especially a public leader?

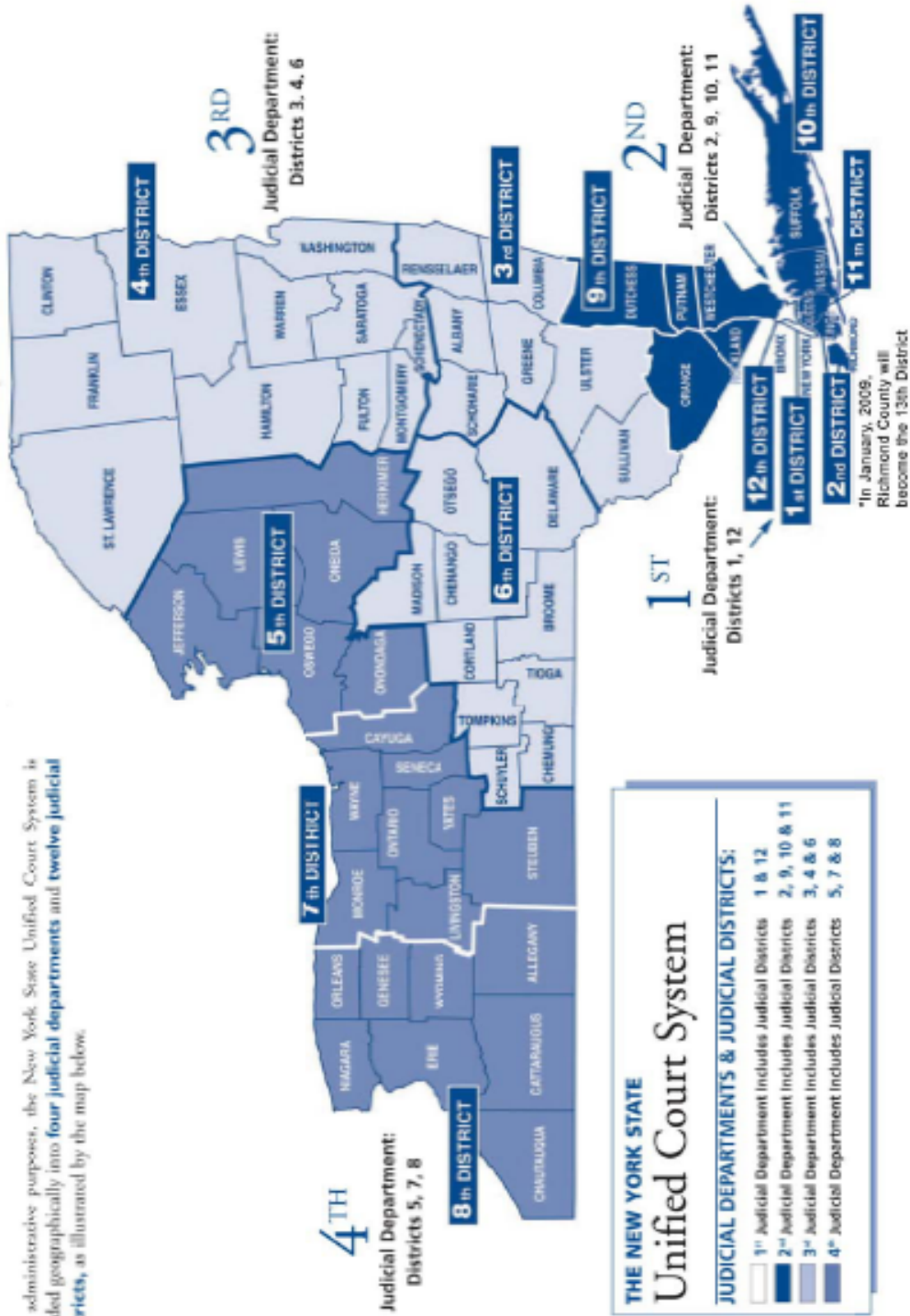
SPECIFIC AREAS OF LAW

Visits by judges with expertise in specific areas of law can enhance learning objectives or address the concerns the student community. Possible topics include:

- Employment law
- Family law
- Housing law
- Rights of students (e.g., locker searches, school-mandated drug testing, oversight of student-run publications)

The New York State Unified Court System

For administrative purposes, the New York State Unified Court System is divided geographically into **four judicial departments** and **twelve judicial districts**, as illustrated by the map below.



Source: *The New York State Courts: An Introductory Guide*, <http://www.nycourts.gov/admin/NYCourts-IntroGuide.pdf>

Source: The New York State Courts: An Introductory Guide
www.nycourts.gov/admin/NYCourts-IntroGuide.pdf

The following chart shows the breakdown for criminal and civil court systems. The Court of Appeals is the highest state court for both criminal and civil matters.

Figure 1a
NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure

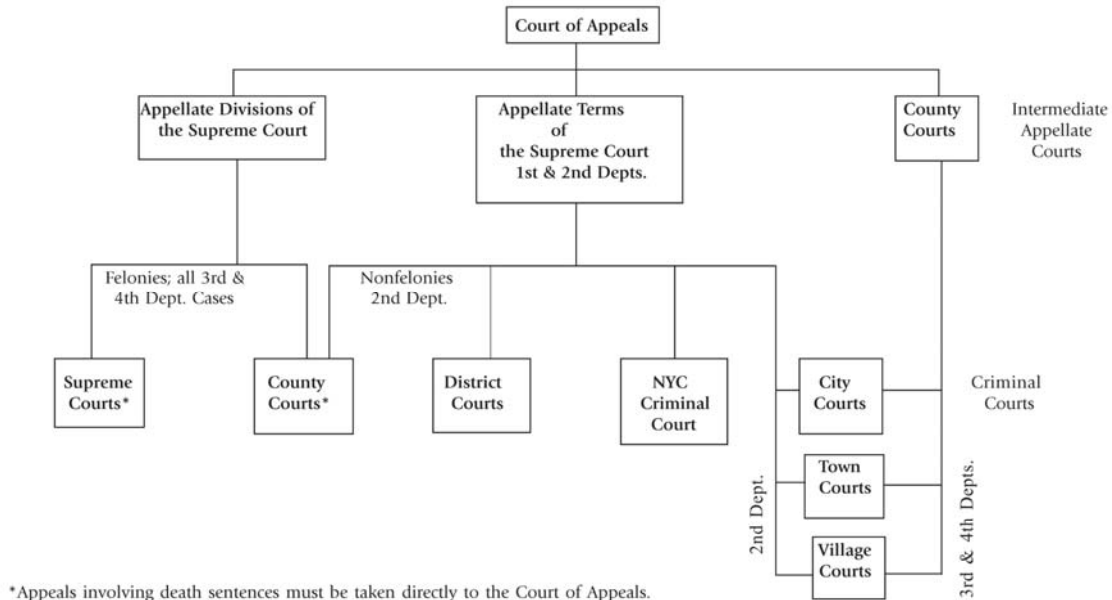
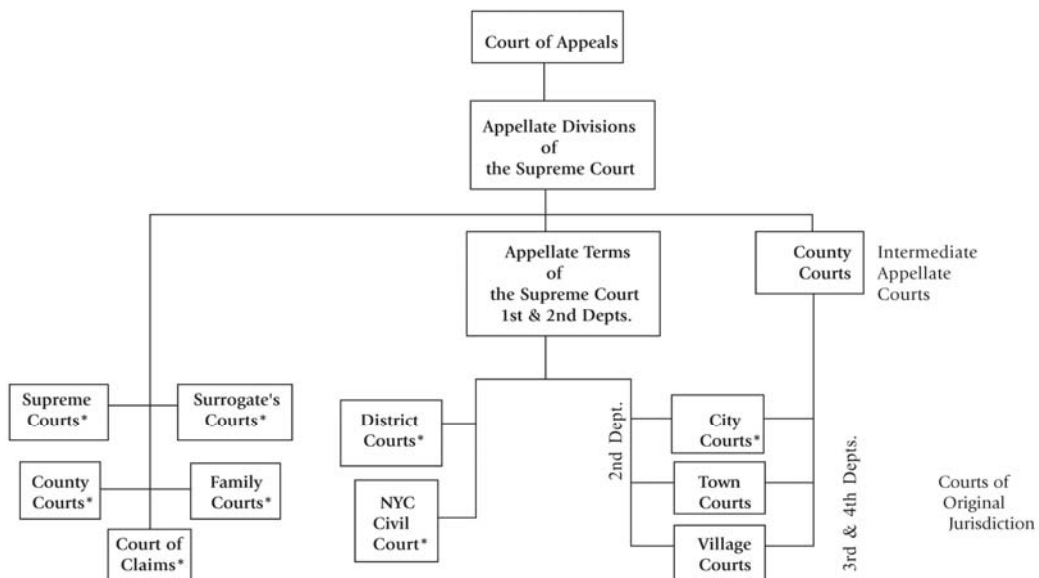


Figure 1b
NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure



*Appeals from judgments of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals.

Source: The New York State Courts: An Introductory Guide www.nycourts.gov/admin/NYCourts-IntroGuide.pdf

Criminal Court Process



Prosecutor: A lawyer who represents the government in criminal cases.

A criminal court is an *adversarial system* – there are two sides, and each side has a different point of view on whether a person committed a crime. Each side's goal is to convince a judge or jury that its point of view is the correct one. The prosecutor and defense attorney present both sides of the case to the judge or jury.



Defense: The person accused of committing the crime, and the lawyer who represents him or her.

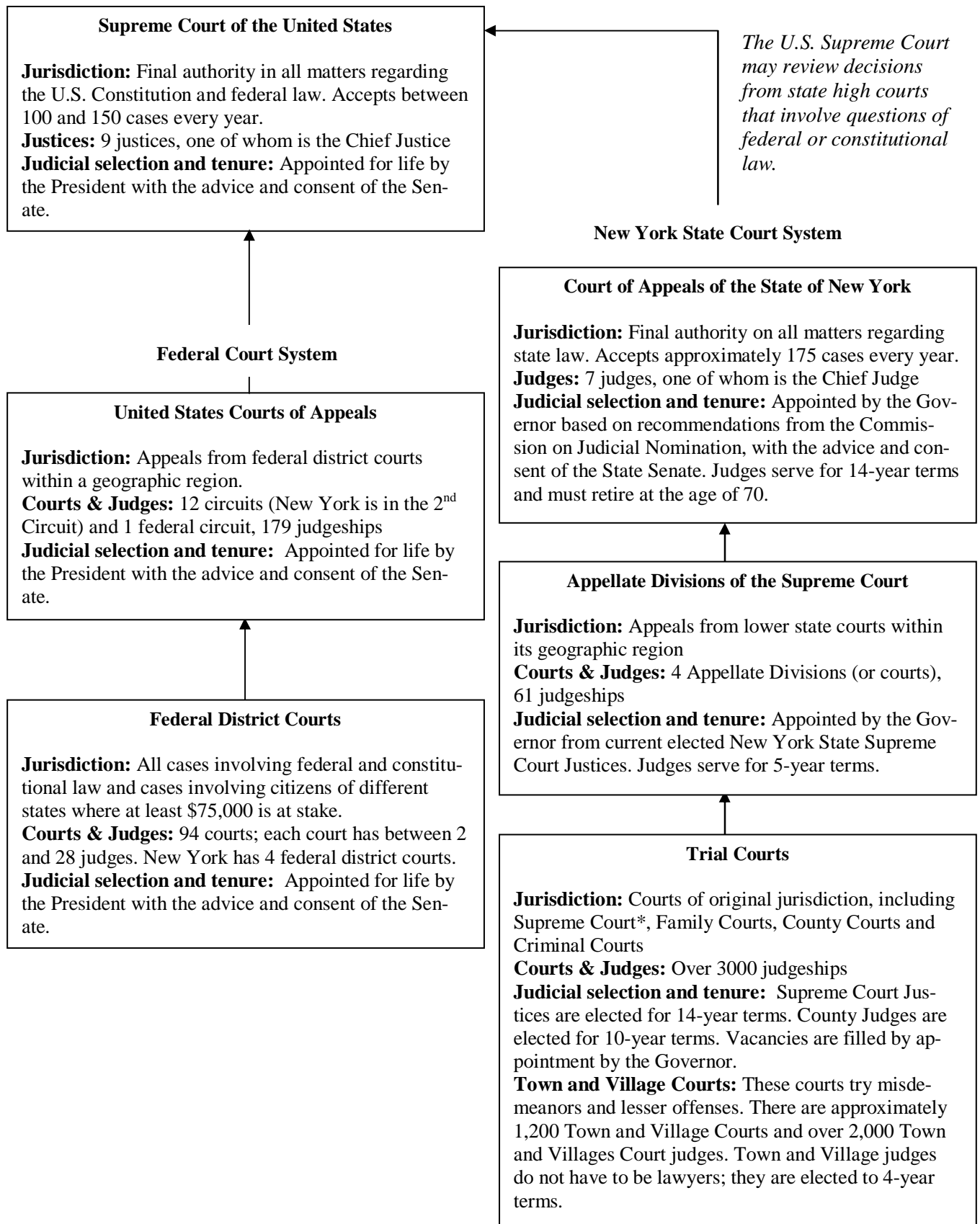


In order for the defendant to be found guilty, the prosecutor must prove the defendant is guilty. The defendant is considered innocent unless the prosecutor can prove that he or she is guilty. The judge or jury decides, based on the evidence, whether the defendant is guilty or innocent.

If the court decides the defendant is guilty, the judge will then decide on a sentence (or punishment) for the defendant. In a traditional criminal court, a sentence usually includes probation (supervision by the court), jail, prison, or other sanctions.

If the court decides the defendant is innocent, the trial is over.





* In New York State, the Supreme Court is a trial court. There is a Supreme Court in every county.

EXCERPTS FROM THE NEW YORK STATE UNIFIED COURT SYSTEM PETIT (TRIAL) JUROR'S HANDBOOK

<http://www.nyjuror.gov/general-information/hbPetitJuror42007.pdf>

The constitutions of the United States and of the State of New York guarantee defendants in criminal trials and litigants in civil trials the right to a trial by jury. The New York State Judiciary Law states that all litigants have the right to juries selected from a fair cross section of the community and that all eligible citizens shall have both the opportunity and the obligation to serve.

There are no automatic exemptions or excuses from jury service in New York State. Everyone who is eligible must serve. You are eligible to serve as a juror in New York State if you are:

- 1) A United States citizen,
- 2) At least 18 years old, and
- 3) A resident of the county to which you are summoned to serve.

In addition, jurors must

- 4) Be able to understand and communicate in the English language, and
- 5) Not have been convicted of a felony.

THE TRIAL COURTS

In New York State, jury trials are held in many different courts. Outside of New York City, a juror may be summoned to serve in Supreme, County, District, City, Town or Village Court. In New York City, a juror may be summoned to serve in Supreme Court or in New York City Civil or Criminal Court. During the jury selection process, the judge explains what type of case is being tried.

WHO ELSE WILL BE IN THE COURTROOM?

A number of people may be in the courtroom in addition to the judge and jury. The list below explains who they are and what they may be doing.

Attorneys or Counsel: Attorneys representing the plaintiff, the defendant or the government are referred to as counsel.

Court Reporter: The court reporter records every word that is spoken. This record will be converted into an official transcript of the trial. During deliberations the jury may ask to have parts of this record read to them.

Court Clerk: The clerk maintains the court files and preserves the evidence presented during the trial. The clerk may also administer the oath to jurors and to witnesses.

Court Officer: Court officers keep order, maintain security, and assist the judge and the jury as needed.

Defendant: In a civil matter, the defendant is the party who is being sued. In a criminal case, the defendant is the person who is charged with a crime.

Interpreter: Interpreters are provided for non-English speaking or hearing impaired witnesses.

A sign language interpreter may interpret for a hearing impaired juror, attorney or party.

Plaintiff: In a civil case, the plaintiff is the party who is suing.

Prosecutor: An attorney representing the government in a criminal case is called the prosecutor or prosecuting attorney or the assistant district attorney, and in some cases, the assistant attorney general. In New York State the prosecution is sometimes referred to as “The People.”

Spectators: Spectators are members of the public who are generally permitted to observe court proceedings. Spectators sometimes include representatives of the media.

Witnesses: Witnesses testify under oath. In most instances, before they testify, witnesses are not permitted to be in the courtroom.

THE STEPS OF A TRIAL

A criminal trial is a process for establishing whether the prosecutor has proved beyond a reasonable doubt that an individual is legally guilty of a crime. A civil trial is conducted as a way to enforce or protect private rights. Though the goals of the two kinds of trials are different, the general steps of the trial are the same.

Jury Selection

Juries are selected through a questioning process known as “voir dire.” The lawyers, and sometimes the judge, ask questions to decide whether or not each juror should serve on a particular case. The questions are intended to learn whether an individual has any bias or personal knowledge that could hinder his or her ability to judge a case impartially. Sometimes jurors are asked to complete a questionnaire as part of this process. The questionnaire answers introduce the judge and attorneys to the jurors before oral questions are asked. They help the judge and attorneys ask questions and make decisions during the voir dire.

In a criminal trial the voir dire questioning is always recorded by the court reporter. Any written answers to questionnaires are also made a part of the trial record. In most civil trials, by contrast, the voir dire questioning is not recorded by a court reporter and juror questionnaires are not part of the trial record.

Some people who are questioned will not be seated as jurors. If a juror cannot be fair and objective, the judge may excuse the juror “for cause.” There is no limit to the number of people who might be excused from a jury “for cause.” In addition, attorneys have the right to use a set number of peremptory challenges to excuse jurors without explanation.

Number of Jurors

For a criminal felony trial, there are 12 jurors plus up to six alternates. For a civil trial there are usually six jurors plus up to four alternates. The jury for lesser criminal charges, including misdemeanors, also has six jurors and up to four alternates. Alternate jurors are necessary in case a juror must be excused due to an emergency. Because an alternate juror may be asked to take an excused juror’s place, it is important that alternates pay careful attention to the proceedings.

Usually the first juror seated is the foreperson. In deliberations the foreperson has the same status as any other juror. The foreperson generally has the job of reporting the jury’s verdict to

the judge.

Oath and Preliminary Instructions

When enough jurors and alternates have been selected, an oath is administered to the jurors. Each juror pledges to act fairly and impartially and follow the law that is explained by the judge.

After the oath, the judge explains the jurors' responsibilities and some of the legal concepts that apply to the case. The judge's explanations are called instructions and include requirements that jurors: not read or listen to news accounts of the trial, not visit the scene of an alleged offense, not conduct any research about issues in the case including use of the Internet, and not discuss the case with anyone (including other members of the jury) until all the evidence has been presented and the jury retires to deliberate.

Opening Statements

After the judge's preliminary instructions, the lawyers can make opening statements to the jury. The opening statement presents the issues in the case from one side's point of view. In a criminal trial, the prosecutor's opening statement outlines the charges and evidence that will be offered. Because the burden of proof in a criminal trial is on the prosecution, and the defendant is presumed to be innocent, the defense is not required to make an opening statement, but may choose to do so.

In a civil trial the lawyer or lawyers for each side will make opening statements. The lawyer for the plaintiff (the party that is suing) explains the plaintiff's point of view about the case. The lawyer for the defendant explains the defendant's point of view. Sometimes there is more than one plaintiff or more than one defendant. In those cases a lawyer for each individual plaintiff or defendant may make an opening statement. Opening statements are not evidence.

Notes during Trial

Jurors are permitted to take notes during trials in New York State. The judge decides at the beginning of the trial whether to permit note-taking.

Questions during Trial

The judge may allow jurors to submit written questions for witnesses. The judge decides whether or not to ask each question submitted by a juror.

Presentation of Evidence

Each side has an opportunity to present witnesses, to cross examine the witnesses presented by the other side, and to present other evidence. Because in a criminal trial, the defendant is presumed to be innocent and the prosecution has the burden to prove its case beyond a reasonable doubt, the defense is not required to put on witnesses or to present any evidence at all.

Closing Arguments

Usually, each lawyer will make a closing argument — a sum-up of that side's point of view about the evidence and the decisions the lawyer would like the jury to make.

Jury Instructions

After the presentation of witness testimony and other evidence is complete, the judge explains the laws that apply to the case and the issues the jury is to consider. These remarks by the judge are called the jury instructions. Sometimes in addition to giving these instructions orally,

they are given to the jury in writing.

After the judge instructs the jury, the jurors go to a jury room to deliberate.

Deliberations

The jury reviews the evidence which was presented. The jurors discuss their views about this information. During deliberations, each juror should keep an open mind, listen carefully, and be prepared to explain their point of view. It is easier to reach a sound verdict when jurors remain courteous and patient, listening openly to each other's views. If questions arise during deliberations, or if there is a need for further instructions or to have testimony read, the foreperson may send a written request to the judge through the court officer. The judge will ask all parties to return to the courtroom to be present when a jury's question is addressed.

The Verdict

In a criminal case, a finding that the defendant is guilty or not guilty must be by unanimous vote of the jury. If a jury reaches a guilty verdict the judge will decide the sentence, usually in a separate proceeding, in accordance with the law.

In a civil case, the verdict does not have to be unanimous; agreement by five of the six jurors is sufficient. A civil trial jury may be asked to decide whether there should be an award of money damages, and if so, how much money should be awarded. When the jury reaches its verdict, the foreperson notifies the court officer, who advises the judge. Everyone, including the jury is called back into the courtroom. When everyone is present, the clerk will ask the foreperson for the jury's verdict. In some cases, each member of the jury is asked how he or she voted.

EXCERPTS FROM THE NEW YORK STATE UNIFIED COURT SYSTEM GRAND JUROR'S HANDBOOK

<http://www.nyjuror.gov/general-information/hbGrandJuror42007.pdf>

THE ROLE OF THE GRAND JURY IN THE CRIMINAL JUSTICE SYSTEM

The grand jury is an arm of the court. It is not an agent of the prosecutor or the police. A grand jury does not decide whether or not a person has been proven guilty. That is the trial jury's job. The grand jury decides whether or not a person should be formally charged with a crime or other offense. The grand jury makes that decision based on evidence presented to it by the prosecutor, who also instructs the grand jury on the law. The grand jury's decision must be based on the evidence and on the law.

In general, the grand jury makes one of three decisions:

- A. The grand jury may vote to formally accuse someone of a crime. This accusation is called an "indictment," also known as a "bill" which is short for "bill of indictment."
- B. The grand jury may vote to dismiss the charges, also known as a "no-bill."
- C. The grand jury may direct the prosecutor to file an information accusing the person of an offense less serious than a felony.

There are also rare circumstances where a grand jury recommends that a case should be sent to Family Court or where the grand jury makes a report to the court.

WHY WE HAVE GRAND JURIES

The use of trial juries (also called petit juries) and grand juries goes back approximately 800 years. Beginning around 1215 A.D., both types of juries were used in England. The grand jury made the formal accusation, known as a "bill of indictment" or "presentment." The trial jury decided whether the accusation was proven.

The grand jury is included in the United States Constitution and the New York State Constitution. In New York State, a person cannot be brought to trial for a felony unless that person has been indicted by a grand jury. The grand jury has an awesome responsibility. It uses its power both as a sword and as a shield: a sword to accuse or indict those whom there is reason to believe have committed crimes; a shield to protect the innocent against unfounded accusations.

DIFFERENCES BETWEEN GRAND JURIES AND TRIAL JURIES

Usually when we think of juries, trial juries come to mind. That's because most people who serve as jurors serve as trial jurors. In fact, out of 574,000 people who served as jurors in New York State in 2005, only 29,000 of them were grand jurors. Another way of looking at it is that only one juror out of 20 is a grand juror.

There are many differences between trial juries and grand juries. The most important is that a grand jury decides whether or not there is enough evidence to charge an accused person with a crime and a trial jury decides whether or not the person who is charged with a crime has been proven guilty beyond a reasonable doubt.

QUALIFICATIONS OF JURORS

Grand jurors and trial jurors must meet the same qualifications. You are eligible to serve as a

juror in New York State if you are:

- 1) A United States citizen,
- 2) At least 18 years old, and
- 3) A resident of the county to which you are summoned to serve.

In addition, jurors must

- 4) Be able to understand and communicate in the English language, and
- 5) Not have been convicted of a felony.

GRAND JURIES AND CRIMINAL TRIAL JURIES COMPARED

QUESTIONS	GRAND JURY	FELONY TRIAL JURY
<i>How many jurors?</i>	23 jurors and no alternates	12 jurors plus alternates
<i>How long does the jury serve?</i>	Two weeks to three months or more depending on the county	Length of one trial
<i>For how many days do the jurors report?</i>	From every day for two weeks or more to a couple of days a week for several months	Every day until the trial is completed
<i>How many cases does the jury hear?</i>	Usually hears many cases	One
<i>Who presents evidence?</i>	The prosecution	In addition to the prosecution, the defense may present evidence.
<i>Is a defense attorney present?</i>	A defense attorney is present only if the accused person chooses to testify. The defense attorney is not permitted to ask questions, make objections or speak to the grand jury.	Yes. The defense attorney is present throughout the trial except in cases where the defendant is acting as his or her own lawyer. The defense attorney takes an active role in the trial.
<i>Is a judge present?</i>	A judge may be present to select the jurors but is not present during presentation of evidence. The judge is available to answer grand jurors' questions as needed.	Yes. The judge must be present in the courtroom throughout the trial.
<i>How many jurors must be present to hear evidence?</i>	At least 16	All 12 jurors (and alternates) must be present throughout the trial.
<i>What does the jury decide?</i>	Whether or not to formally charge the accused person with a crime	Whether or not the prosecution has proved the defendant guilty beyond a reasonable doubt
<i>How many jurors decide?</i>	16 jurors must be present to deliberate. 12 jurors who have heard all the essential and critical evidence and the legal instructions must agree.	To find a defendant guilty or not guilty a unanimous vote of the 12 jurors is required.
<i>Are the proceedings open to the public?</i>	No. A grand jury's work is done in secret. Only specific individuals with a role to play in the proceedings may be present.	Yes. A jury trial is a public proceeding. Only the jury's deliberations are conducted in secret. In rare instances a judge may close the courtroom to the public.

NEW YORK STATE COURT SYSTEM

New York State Unified Court System

www.nycourts.gov

The website of the New York State Unified Court System provides a wealth of information about the courts, including the basic structure of the court system, court programs and services, law, court procedure and assessments of court practice and recommendations for reform.

The New York State Courts: An Introductory Guide

www.nycourts.gov/admin/NYCourts-IntroGuide.pdf

This booklet provides an overview of how New York State courts work and the kinds of work they do, including basic information on the structure of the courts, court programs and resources.

Frequently Asked Questions

www.nycourts.gov/youth/faqs/index.html

Frequently asked questions about the New York State court system.

Glossary of Legal Terms

www.nycourts.gov/lawlibraries/glossary.shtml

This glossary defines hundreds of legal words and terms.

EDUCATIONAL RESOURCES

Educators' Portfolio

www.courtsandcommunity.org/engaging_educating_youth/portfolio.html

Judges, other court system professionals, and the New York State Court System as a whole produce a range of publicly available materials that provide crucial information about the court system and the law. This portfolio gathers and organizes information that may be of particular interest to educators, either as background or in the classroom.

MyCourts-NY

www.nycourts.gov/youth/

MyCourts-NY is a website for youth and educators in New York State that offers information about courts, law and justice, including links to helpful resources and innovative programs that offer young people opportunities to play an active role in their communities. The Teachers' and School Administrators' Corner provides links to resources and web sites about law, courts and justice for teachers and educators.

OPPORTUNITIES FOR STUDENT INVOLVEMENT

Get Involved

www.nycourts.gov/youth/get_involved/index.html

This interactive web page lists law-related activities across New York State for youth who are interested in law, courts, and justice.

Public events calendar

www.nycourts.gov/admin/publicaffairs/calendar.shtml

The on-line calendar of the New York State Unified Court System lists events open to and of interest to the public.

Student Ambassador Program

<http://www.nycourts.gov/admin/publicaffairs/pdfs/SAProgram07.pdf>

The Student Ambassador Program, an internship program of the New York State Court System, places high school, college, and law school students under the guidance of judicial and non-judicial personnel.

The New York State Court System's Annual Media Contest to Promote Jury Service

www.nycourts.gov/admin/publicaffairs/resourcelibrary.shtml

The New York State Court System organizes an annual High School Media Contest to Promote Jury Service.

Name _____

Date _____

PRESENTATION NOTES

Name of visiting judge:

What court does the judge preside over? Is it a court of original instance? An appellate court?

Why did he or she become a judge?

Describe a typical day for the judge:

What kind of problems does the judge deal with?

What do you think makes someone a good judge?

Name _____

Date _____

CRIMINAL COURT PROCESS

What is the burden of proof in a criminal trial?

Match the person with his or her role in criminal court:

- | | | |
|---------------------|-----|--|
| A. Court reporter | ___ | Accused of committing a crime |
| B. Witness | ___ | In most trials, decides whether the government has proven that the defendant is guilty |
| C. Interpreter | ___ | Represents the government in criminal cases |
| D. Court Clerk | ___ | Translates what is said in court for non-English speaking or hearing impaired attorneys, witnesses, or parties in the case |
| E. Jury | ___ | Records every word that is spoken in court to create an official transcript of the trial |
| F. Court Officer | --- | Maintains the court files and preserves the evidence presented during the trial |
| G. Defense attorney | ___ | Presents testimony under oath |
| H. Judge | ___ | Represents the defendant |
| I. Prosecutor | ___ | Presides over the proceeding |
| J. Defendant | ___ | Keeps order, maintains security, and assists the judge and the jury as needed |

If a jury finds the defendant guilty and the judge imposes a sentence, what could a sentence include?

How many members of a 12-member jury must find a defendant guilty to reach a verdict?

Name _____

Date _____

CRIMINAL COURT PROCESS

What is the burden of proof in a criminal trial?

In order for the defendant to be found guilty, the prosecutor must prove the defendant is guilty beyond a reasonable doubt. The defendant is considered innocent unless the prosecutor can prove that he or she is guilty. The judge or jury decides, based on the evidence, whether the defendant is guilty or innocent.

Match the person with his or her role in criminal court:

- | | |
|---------------------|--|
| A. Court reporter | _J_ Accused of committing a crime |
| B. Witness | _E_ In most trials, decides whether the government has proven that the defendant is guilty |
| C. Interpreter | _I_ Represents the government in criminal cases |
| D. Court Clerk | _C_ Translates what is said in court for non-English speaking or hearing impaired attorneys, witnesses, or parties in the case |
| E. Jury | _A_ Records every word that is spoken in court to create an official transcript of the trial |
| F. Court Officer | _D_ Maintains the court files and preserves the evidence presented during the trial |
| G. Defense attorney | _B_ Presents testimony under oath |
| H. Judge | _G_ Represents the defendant |
| I. Prosecutor | _H_ Presides over the hearing |
| J. Defendant | _F_ Keeps order, maintains security, and assists the judge and the jury as needed |

If a jury finds the defendant guilty and the judge imposes a sentence, what could a sentence include?

A sentence usually includes probation (supervision by the court), jail, prison, or other sanctions.

How many members of a 12-member jury must find a defendant guilty to reach a verdict?

12—it must be unanimous

Name _____

Date _____

THE APPEALS PROCESS

What is a “court of original instance” (also known as “original jurisdiction”)?

Which of the following are examples of courts of original jurisdiction? (select all that apply)

City Court Court of Appeals Family Court Appellate Court

What is the Supreme Court in New York State? (select one)

The highest court in the State A trial court
 An appeals court A court that answers questions about
Constitutional Law

What is the responsibility of an appellate court?

Approximately how many judges are there in New York State?

500 1,000 2,500 3,500 over 4,000

What is the highest court in New York State? (select one)

United States Supreme Court
 Albany Supreme Court
 New York State Court of Appeals
 New York City Supreme Court, Criminal Division
 Appellate Court, 1st Department

Sometimes litigants can seek review of decisions made by the highest court in New York State. What court do they ask to review those decisions?

When can someone appeal a ruling of the highest court in New York State?

Name _____

Date _____

THE APPEALS PROCESS

What is a “court of original instance” (also known as “original jurisdiction”)?

A trial court or the first court to hear a case.

Which of the following are examples of courts of original jurisdiction? (select all that apply)

City Court Court of Appeals Family Court Appellate Court

What is the Supreme Court in New York State? (select one)

The highest court in the State A trial court
 An appeals court A court that answers questions about
Constitutional Law

What is the responsibility of an appellate court?

The appellate court does not retry cases; it examines the record and determines whether the trial court interpreted and applied the law correctly to the facts as developed in the trial court.

Approximately how many judges are there in New York State?

500 1,000 2,500 3,500 over 4,000

What is the highest court in New York State? (select one)

United States Supreme Court
 Albany Supreme Court
 New York State Court of Appeals
 New York City Supreme Court, Criminal Division
 Appellate Court, 1st Department

Sometimes litigants can seek review of decisions made by the highest court in New York State. What court do they ask to review those decisions?

The Supreme Court of the United States

When can someone appeal a ruling of the highest court in New York State?

The U.S. Supreme Court may review decisions from the NYS Court of Appeals that involve questions of federal or constitutional law.

Name _____

Date _____

CRIMINAL TRIAL AND GRAND JURIES

Match the type of jury with its responsibility:

- A. Grand Jury
- B. Trial Jury

___ This jury decides whether or not there is enough evidence to charge a person with a crime.

___ This jury decides whether or not the person who is charged with a crime has been proven guilty beyond a reasonable doubt.

Select the type of jury that the statement correctly describes:

This jury has 23 jurors and no alternates.

- ___ Grand Jury
- ___ Trial Jury

This jury serves for the length of one trial.

- ___ Grand Jury
- ___ Trial Jury

The defense attorney is not permitted to ask questions, make objections or speak to this jury.

- ___ Grand Jury
- ___ Trial Jury

A judge is not present during presentation of evidence to this jury.

- ___ Grand Jury
- ___ Trial Jury

This jury decides whether or not the prosecution has proven that the defendant is guilty beyond a reasonable doubt.

- ___ Grand Jury
- ___ Trial Jury

This jury's proceedings are usually open to the public.

Grand Jury

Trial Jury

In order to reach a verdict, the members of this jury must all agree and reach a unanimous decision.

Grand Jury

Trial Jury

In order to reach a decision, a majority of the members of this jury must agree.

Grand Jury

Trial Jury

Short answer: Which type of jury would you prefer to serve on? Why?

Name _____

Date _____

CRIMINAL TRIAL AND GRAND JURIES

Match the type of jury with its responsibility:

- A. Grand Jury
- B. Trial Jury

 A__ This jury decides whether or not there is enough evidence to charge a person with a crime.

 B__ This jury decides whether or not the person who is charged with a crime has been proven guilty beyond a reasonable doubt.

Select the type of jury that the statement correctly describes:

This jury has 23 jurors and no alternates.

- Grand Jury
- Trial Jury

The jury serves for the length of one trial.

- Grand Jury
- Trial Jury

The defense attorney is not permitted to ask questions, make objections or speak to this jury.

- Grand Jury
- Trial Jury

A judge is not present during presentation of evidence to this jury.

- Grand Jury
- Trial Jury

This jury decides whether or not the prosecution has proven that the defendant is guilty beyond a reasonable doubt.

- Grand Jury
- Trial Jury

Note: In a civil trial, the burden of proof is preponderance of the evidence.

This jury's proceedings are usually open to the public.

Grand Jury

Trial Jury

In order to reach a verdict, the members of this jury must all agree and reach a unanimous decision.

Grand Jury

Trial Jury

In order to reach a decision, a majority of the members of this jury must agree.

Grand Jury

Trial Jury

Note: A civil jury reaches a decision when five of the six jurors agree.

Short answer: Which type of jury would you prefer to serve on? Why?

ANSWERS

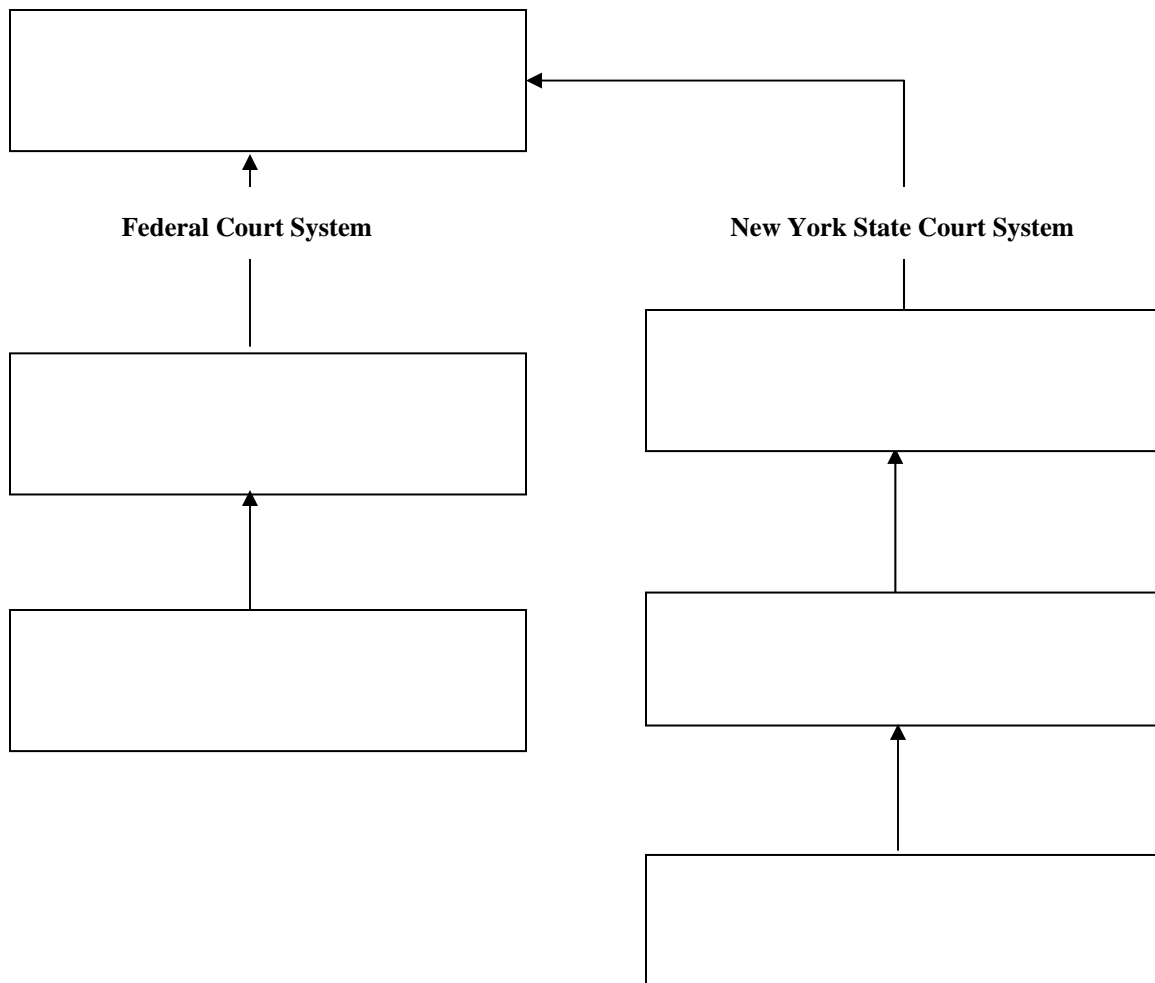
Name _____

Date _____

COMPARISON OF NEW YORK STATE AND FEDERAL COURT SYSTEMS

Place each of the following courts in the corresponding box in the following chart of the New York State and federal court systems:

- Supreme Court of the United States
- United States Courts of Appeals
- Federal District Courts
- Trial Courts
- Appellate Divisions of the Supreme Court
- Court of Appeals of the State of New York



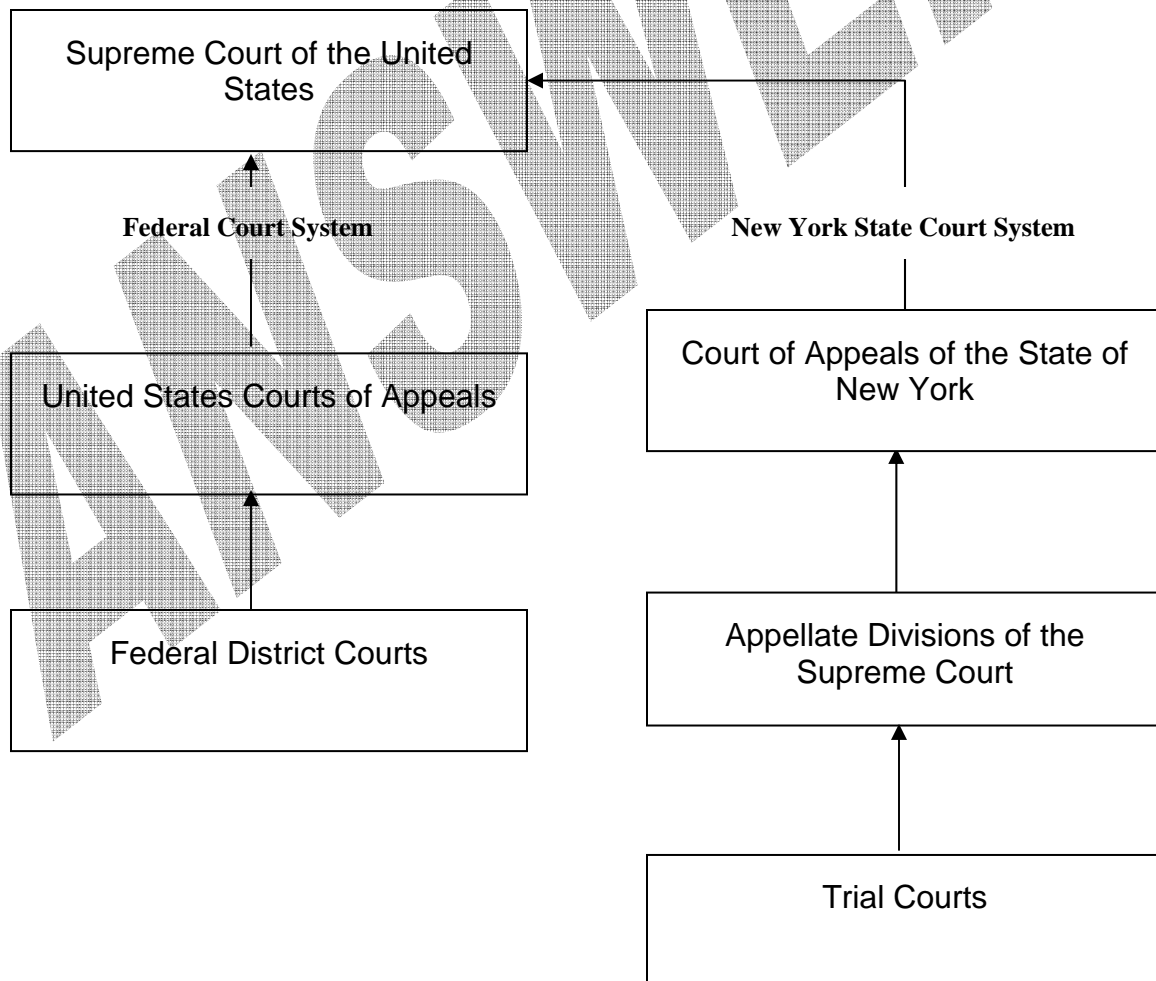
Name _____

Date _____

COMPARISON OF NEW YORK STATE AND FEDERAL COURT SYSTEMS

Place each of the following courts in the corresponding box in the following chart of the New York State and federal court systems:

- Supreme Court of the United States
- United States Courts of Appeals
- Federal District Courts
- Trial Courts
- Appellate Divisions of the Supreme Court
- Court of Appeals of the State of New York



Name _____

Date _____

TRIAL JURY SERVICE

What are the requirements for serving as a juror in New York State?

1. _____
2. _____
3. _____
4. _____
5. _____

True or False

1. A jury may decide who wins or loses in a court of law. ___ True ___ False
2. You may volunteer for jury service if you are qualified. ___ True ___ False
3. If you work full time, you may ignore a jury summons. ___ True ___ False
4. Juries are only used in the New York State Supreme Court. ___ True ___ False
5. Juries in criminal and civil trials must reach a unanimous verdict. ___ True ___ False
6. Only middle or upper class people can afford to serve on juries. ___ True ___ False
7. A juror must be a U.S. citizen. ___ True ___ False
8. You must be 18 years old to serve on a jury. ___ True ___ False
9. If you do not understand English, you may not serve on a jury. ___ True ___ False
10. A person convicted of a felony may not serve on a jury. ___ True ___ False

11. If you are unemployed, you may be compensated for jury service.

True False

12. If you are called for jury service, your employer may demote you.

True False

13. Juries may be sequestered and not permitted to return home until deliberation is complete. True False

Juries are selected through a questioning process known as “voir dire.” The lawyers, and sometimes the judge, ask questions to decide whether or not each juror should serve on a particular case.

A juror can be rejected if...

...the juror has a bias that might prevent him or her from judging a case impartially.

True False

...the juror knows the defendant personally. True False

...the juror has never been on a jury before. True False

...the juror cannot be objective about the case. True False

Name _____

Date _____

TRIAL JURY SERVICE

What are the requirements for serving as a juror in New York State?

- 1) A United States citizen
- 2) At least 18 years old
- 3) A resident of the county to which he or she is summoned to serve
- 4) Be able to understand and communicate in the English language
- 5) Not have been convicted of a felony.

True or False

1. A jury may decide who wins or loses in a court of law. True False
2. You may volunteer for jury service if you are qualified. True False
3. If you work full time, you may ignore a jury summons. True False
4. Juries are only used in the New York State Supreme Court. True False
5. Juries in criminal and civil trials must reach a unanimous verdict. True False
6. Only middle or upper class people can afford to serve on juries. True False
7. A juror must be a U.S. citizen. True False
8. You must be 18 years old to serve on a jury. True False
9. If you do not understand English, you may not serve on a jury. True False
10. A person convicted of a felony may not serve on a jury. True False

11. If you are unemployed, you may be compensated for jury service.

True False

12. If you are called for jury service, your employer may demote you.

True False

13. Juries may be sequestered and not permitted to return home until deliberation is complete. True False

Juries are selected through a questioning process known as “voir dire.” The lawyers, and sometimes the judge, ask questions to decide whether or not each juror should serve on a particular case.

A juror can be rejected if...

...the juror has a bias that might prevent him or her from judging a case impartially.

True False

...the juror knows the defendant personally. True False

...the juror has never been on a jury before. True False

...the juror cannot be objective about the case. True False