

The Legal System

Teaching Guide

Students will understand

- That there are different courts and that the courts handle different kinds of cases.
- The basic functions and procedures of two courts that they might be involved in: juvenile court and conciliation court.
- The importance of their right to an attorney and when the right is available to them.

Lesson Grid	Individual	Small Group	Large Group
Lesson 1: Sources of Law and the Courts			
• The Law			
• Questions	X	X	
Lesson 2: Juvenile Court			
• The Law			
• Questions	X	X	
• Activity: Case Study	X	X	X
• Activity: Your Turn	X		
Lesson 3: Your Right to an Attorney			
• The Law			
• Questions	X	X	
• Activity: Case Study	X	X	X
• Activity: What do you think?	X	X	X
• Activity: You be the judge	X	X	X
• Activity: Creating a brochure	X	X	
Lesson 4: Conciliation Court			
• The Law			
• Activity: You Decide	X	X	

Tips for Teaching

Outside Resource People

Judges and lawyers, especially public defenders, will be very helpful in teaching these lessons.

Lesson 1: Source of Law

This lesson provides a very brief overview of the court system and includes questions to guide the student through the reading.

Much more information on the state court system is available from the Court Information Office. A detailed description of the system can be accessed through the Minnesota Supreme Court's web page at <http://www.courts.state.mn.us>.

Lesson 2: Juvenile Court

This lesson gives more detail on the Juvenile Court system. A comparison with the adult system is provided. The jurisdiction of the court, ages, and rights of juveniles are included. The juvenile court process, in very general terms, will introduce students to terms and procedures that they will study further in the Juvenile Protection and Juvenile Delinquency units. The activities include an introductory case study on the landmark In re Gault decision, which will set the stage for the lesson, and a writing activity describing a juvenile situation.

In re Gault, 387 U.S. 1 (1967)

Issue: Were the proceedings used to commit Gault constitutional?

The Court's Decision

No. The Court held that the process used for juveniles had failed to comply with the due process requirements of the Fourteenth Amendment. The Court said that juveniles have the following rights:

1. Right to notice of charges far enough in advance of the hearing to allow the juvenile to prepare.
2. Right to counsel. Just like adults, juveniles must be told of the right to a lawyer and that if they don't have money to pay for one, a lawyer will be appointed and paid for by the court.
3. Right to confront witnesses. Gault had the right to question Mrs. Cook.
4. Privilege against self-incrimination. Juveniles must be told they have the right to remain silent.

Lesson 3: Your Right to an Attorney

The Right to an attorney is a very important right in the justice system. It guarantees that the rules of the court are followed and constitutional rights protected. However, the right to an attorney must be exercised to be effective. Many youth waive this right because they do not understand it. This lesson is designed to answer the most common questions concerning this right and to consider the issues surrounding waiver. This lesson will benefit from the participation of a defense lawyer.

The Activity: You be the judge asks students to think about four actual cases:

Case 1: Fowler did not knowingly and voluntarily waive her rights. This case study is an adaptation of the facts of Fowler (United State V. Fowler, 476 F.2d 1001, 1973). In the court's ruling that the juvenile did not understand his rights when he confessed, it noted the lack of sophistication regarding the system, the failure of the father to understand the gravity of the juvenile's answers, and the fact that when the juvenile was told of the right to an attorney, nothing was mentioned about the use of statements in later proceedings. The confession was ruled inadmissible.

Case 2: The waiver was knowingly and voluntarily made. This case study is based on a Florida case where the court said that the circumstances did not rise to the level of coercion and the confession obtained was not involuntary. The defendant and the parent had the defendant's rights explained and had signed cards acknowledging that they understood these rights. The defendant was familiar with the juvenile system and had the intellectual capacity to understand his rights. Because this is a case arising out of Florida, it does not control the decisions of the Minnesota court, which may or may not rule the same in a case with the same facts. (Anglin v. Florida 259 So2d 752)

Case 3: The waiver was not knowingly and voluntarily made. This case is based on the facts of Burt v. State (256 N.W.2d 633). The issue in this case was the ability to intelligently waive the right to an attorney. The Minnesota Supreme Court stated that "to be valid such waiver must be made with an apprehension of the nature of the charges, the statutory offenses included within them, the range of allowable punishments thereunder, possible defenses to the charges and circumstances in mitigation thereof, and all other facts essential to a broad understanding of the whole mater. A judge can make certain that an accused's professed waiver of counsel is understandingly and wisely made only from a penetrating and comprehensive examination of all the circumstances under which such a plea is tendered." The conviction was overturned because the waiver was not valid.

Case 4: The waiver was not knowingly and voluntarily made. This case study is an adaptation of the facts of In the matter of the Welfare of S.W.T. (277 N.W.2d 508). In this case, the defendant was exceedingly emotionally disturbed, had difficulty in school, and had a mental age of 8 years, 8 months and that because of this he could not understandingly, voluntarily, or intelligently waive his rights. The juvenile court had allowed the juvenile's parents to waive the juvenile's rights. The Supreme Court of Minnesota ruled that juvenile's rights could not be waived by the parents.

Lesson 4: Conciliation Court

This lesson describes conciliation court, presents the steps, and has the students consider whether a series of cases are under the jurisdiction (control) of the conciliation court. The answers to the **Activity: You Decide** are as follows.

1. This case would not be in conciliation court because it deals with a constitutional right.

2. This case would be appropriate for conciliation court.
3. This case would be excluded from conciliation court because the amount in controversy exceeds \$7,500.
4. This case would be appropriate for conciliation court.
5. This case would be appropriate for conciliation court.
6. This case would not be appropriate for conciliation court because proving the tobacco company's liability for the lung disease would very complicated.
7. This case would not be appropriate for conciliation court because it is not asking for money damages, but is asking for the court to prohibit certain behavior that would require ongoing court involvement to enforce the court order.

Vocabulary

Conciliation Court: Sometimes called “the people’s court”. It is one of the courts in district court and is a simple process for civil cases involving disputes up to \$7,500.

Juvenile Court: Designed to deal with those under the age of 18 who may need protection or other social services, or those who pose a threat to themselves or others. The procedures are meant to solve problems in an informal setting where rehabilitation is the goal.

Statutes: Laws written by the state legislature

Trial Court: Also known as District Court, where all types of civil and criminal cases are heard: conciliation, juvenile, family, civil, probate.