

JUDGES IN THE CLASSROOM—LESSON PLANS

This lesson introduces students to the third branch of government and explains the difference between trial courts and appellate courts.

The King Kamehameha V—Judiciary History Center wishes to acknowledge the Washington State Office of the Administrator (OAC), Olympia, Washington. This lesson was adapted from *Judges in the Classroom*, OAC Judicial Education.

Grade Level:

Grades 4-12

chalkboard. If the class is large (over 25), have students brainstorm in small groups of 3-5 and report back to the class.

Objectives:

- Students will increase their understanding of the third branch of government.
- Students will be able to name three characteristics of a trial court and three characteristics of an appellate court.

3. Explain to students that there are two kinds of courts: trial courts and appellate courts. Today they will learn some differences between trial and appellate courts.

4. Give students an analogy that they might relate to. Let's say your older brother is taking care of you and your sister. You and your sister are arguing over a skateboard. You say it's yours and your sister says it's hers. You both tell your older brother your side of the story. Your sister's friend comes over and tells your older brother that the skateboard is definitely your sister's. Your older brother decides that the skateboard belongs to your sister. You are unhappy with the decision and want a higher authority—someone who outranks your older brother—to review his decision. Who would you ask? Probably a parent or guardian like an uncle, aunt, or grandparent. This is what we mean by appeal—you ask a person with higher authority to review a decision that another person has made.

Materials:

Handout 1 - Type of Court
Handout 2 - Which Court?

Procedure:

1. Introduce yourself and briefly explain your job. Remember to adapt your language for a school age audience and to repeat key points. Before answering a student's question, repeat the question loudly so that all of the students can hear it.
2. Introduce the concept of court by writing the word or drawing a picture on the board. Have students share their knowledge of courts by asking students what they know about courts or what words come to mind when they think about courts; for example, judge, jury, lawyers, criminal, etc. Ask a volunteer to list student responses on the

5. Explain to students that this is very much like what courts do. Trial courts are places

Different Courts

where people bring their conflicts or problems for a solution. In a trial court, a judge and sometimes a jury listens to witnesses and examines evidence, and then makes a decision. If either party is unhappy with that decision and believes there is an error of law, she or he can ask a court with higher authority to review the decision. This is called an appeal.

6. Pass out Handout 1 and explain the differences between trial courts and appellate courts. Try to incorporate the words on the board from the earlier brainstorming session. Mention high profile cases that have recently received news coverage.
7. Give students instructions before passing out Handout 2. Tell students that they will receive a paper with simple sentences about different court cases. Based on the information in the sentences, they must decide whether the case is from a trial court or an appellate court. (Students can work individually or in groups.) Pass out Handout 2 and give students ten minutes to finish.

Answers to Handout 2

- A) Chantille testifies that the bank robber pointed a gun at the teller. Trial court because only trial courts have witnesses who testify.
- B) Five judges listen to lawyers argue their case. Appellate court because trial courts have a single judge and appellate courts have a panel of judges.

- C) The jury decides that it was the restaurant's fault that Omar got sick. Trial court because juries operate only in trial courts.
- D) Monica asks the court to set aside the decision giving her exhusband custody of her children. Appellate court because Monica is asking to have the decision imposed in the lower court set aside.
- E) Ms. Kauhane, the attorney, argues to the judges that her client should win the case. Appellate court because there is more than one judge deciding the case.
- F) The court grants a defendant a new trial based on newly available DNA testing. Appellate court because if a new trial has been granted, an earlier trial must have been reviewed.
- G) Mr. Nguyen, the witness, swears to tell the truth. Trial court because only trial courts have witnesses.
- H) The car's damaged fender is admitted as evidence. Trial court because only trial courts have evidence admitted.
- I) A decision signed by five judges finds that a jury member should have been disqualified. Appellate court because the decision was signed by more than one judge.

-
-
8. Explain to students that in Hawai'i, the appellate court with the highest authority is the Hawai'i State Supreme Court. The

Different Courts

Hawai'i State Supreme Court has the final say on appeals, with the exception that its decisions may be reviewed by the United States Supreme Court.

9. Conclude by reviewing characteristics of trial and appellate courts. Have students brainstorm 3 characteristics of each court or prompt them with hypothetical questions like: If you were watching the news and you saw a witness testifying in court, what kind of court would it be?

Handout 1 - Type of Court

Trial Court

- One judge conducts the trial.
- Jury or single judge decides the case.
- Lawyers present evidence.
- Witnesses swear to tell the truth and answer questions from lawyers.
- Is the first court to decide who should win in a dispute.
- Is the first court to decide whether or not the defendant is guilty.

Appellate Court

- A panel of several judges listens and decides the case.
- Hears the cases that have been decided in a lower court or by an agency.
- No evidence is presented.
- Lawyers only make arguments.
- Gives its decision in a written opinion or order.
- Appellate court's decisions must be followed by all the trial courts under it.

Handout 2 - Which Court?

Trial court or appellate court? Circle **T** for trial court and circle **A** for appellate court.

- A) T A Chantille testifies that the bank robber pointed a gun at the teller.
- B) T A Five judges listen to lawyers argue their case.
- C) T A The jury decides that it was the restaurant's fault that Omar got sick.
- D) T A Monica asks the court to set aside the decision giving her exhusband custody of her children.
- E) T A Ms. Kauhane, the attorney, argues to the judges that her client should win the case.
- F) T A The court grants a defendant a new trial based on newly available DNA testing.
- G) T A Mr. Nguyen, the witness, swears to tell the truth.
- H) T A The car's damaged fender is admitted as evidence.
- I) T A A decision signed by five judges finds that a jury member should have been disqualified.