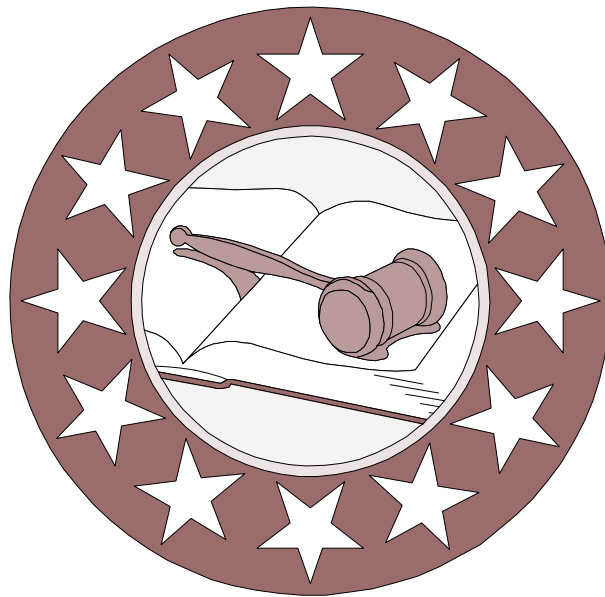


School Court Resource Guide



Citizenship Law Related Education Program
for the Schools of Maryland

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To the **Charles Crane Family Foundation**
for funding and support of this project

A Special Note to the User of this Guide:

This manual has been provided on disk to ensure that it is user-friendly for schools attempting to “personalize” and implement their own school court program. We ask that you give acknowledgements to our agency and those schools and individuals noted above should you choose to reformat. Thank you for your cooperation.

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School Court Rationale

Points to Consider

The concept of the “School Court” can be identified in school systems across the country and is not necessarily considered “new”. If a school is interested in developing and implementing a School Court, there is a great deal of time, thought, and consideration that must be dedicated to its design so that it parallels the needs of the school.

This guide was designed to assist your school in designing a School Court class or program to handle certain disciplinary matters. There are specific provisions for legally required due process in terms of notice, hearing and appeal. You will notice questions throughout the guide that only your school can answer and resolve. At times, suggestions are offered merely to highlight methods that have been successful for other programs and to provide some direction and guidance.

Philosophy & Mission of the School Court

The mission of the School Court is two-fold:

- (1) To effectively, efficiently and positively intervene in the lives of youth who have committed minor school infractions, and
- (2) To provide students an opportunity to gain greater understanding of the “criminal” justice system and to instill in them respect for the rule of law and a sense of civic duty and responsibility.

Goals Related to Outcomes

The School Court seeks to:

- (1) Teach students about the law and legal system
- (2) Provide unique “real-life” courtroom experiences for students
- (3) Reduce the number of school-related infractions and increase student understanding about the importance of school policy
- (4) Hold youth accountable and responsible to themselves, the victim (if applicable), and to the school community
- (5) Provide structured, educational, positive experiences for students who have committed school-related offenses
- (6) Reduce recidivism rates among student offenders so as to lessen school offenses
- (7) Provide volunteers with the opportunity to earn meaningful service learning hours necessary for high school graduation (if implemented as an after-school program).
- (8) Reduce absenteeism, suspension, and expulsions.

Authority of the School Court

- (1) The School must determine the types or class of cases that may be considered by the School Court. Your school might consider the following infractions:
 - Class Cutting
 - Lateness
 - Dress Code Violation
 - Defacing School Property
 - Disrupting Class

- Gambling
- Petty Theft
- Smoking
- Cheating

(2) The School must determine the types of sanctions that may be imposed by the School Court. The School Court often works effectively in concert with the school's disciplinary process. For example, an administrator may deem an infraction that would normally result in a 3 or 5-day suspension, could be best handled by School Court. If the offending student opts for School Court, the suspension may be waived or held in abeyance until the School Court sanctions are completed. Upon successful completion, the suspension is dismissed.

Sanctions to be considered:

- Written Apology
- Verbal Apology
- Detention
- School-Related/ Educational Project
- Community Service
- In-School Suspension
- Restitution for Property Damage
- Failure to appear for Court could result in Disciplinary Removal
- Failure to abide by Court-imposed sanctions could result in Disciplinary Removal

(3) No cases shall be appealed.

It is critical that your school court, faculty, and administration reach agreement on both the infractions and types of sanctions. Failure to do so will inevitably lead to problems, which will undermine the credibility and viability of your school Court.

Referral Process

- (1) A School Administrator will review the Office Referral Form. The Administrator may offer a referral to School Court as an option to the student.
- (2) By opting for School Court, the student admits his or her guilt to the specific charge(s).
 *Some School Courts permit students who have been summoned to plead "not guilty", "not guilty to specific charges", or "guilty with affirmative defenses". **While your school may choose to allow this process, it will create a "higher-level" of organization and performance on the part of the student, and necessitates the development of additional forms.** School Court, as established in this handbook, emphasizes self-accountability on the part of the student since they must admit guilt to participate.
- (3) Once the student has admitted guilt, the Administrative Action Form will be sent to the School Court Advisor.

School Court Curriculum Framework

Course Description

School Court shall provide an alternative forum for interdisciplinary action while increasing understanding of the American legal system. Students will be educated by the legal and educational community to fulfill the roles of court officers while being introduced to concepts, ideas, values, theories and philosophies of our democratic justice system.

Objectives

Upon completion of the course, training, or program, the student will be able to:

- (1) Identify and explain the basic institutions and processes of law making, law enforcement, and law interpretation
- (2) Understand rights and responsibilities of citizens in a democratic society
- (3) Understand processes by which citizens may help resolve disputes, advocate, and influence policy making
- (4) Identify constitutional and administrative principles underlying arguments on both sides of issues relating to student rights, student discipline, and the authority of the school in its position of *person loco parentis*
- (5) Identify and explain the various roles of court officers in the resolution of legal disputes
- (6) Develop and exhibit effective analytical, writing, listening, speaking, thinking, and organizational skills
- (7) Understand the cause-effect relationship related to group and individual behavior.

Content

- (1) Introduction
 - A. Concept/Overview of School Court
 - B. Goals
 - C. Student Expectations
 - D. Equity
 - Restorative Justice
 - Fairness
 - Integrity
 - Contract
 - Discretionary Enforcement
 - Standing
 - Confidentiality
- (2) The Constitution/ Student Handbook
 - A. Rights of the Accused
 - B. Rights of the Students as the Accused
 - C. School Responsibility to Address Rights
- (3) Court Code of Conduct
 - A. Attorney Code of Ethics
 - B. Decorum for Court Officers
 - C. Decorum for Defendants

- (4) School Regulations
 - A. Code/ Numbering System (may be taken from the School Board Articles)
 - B. Consequences/ Numbering System
 - C. Modifications to Code (if necessary)

- (5) Court Officer Training
 - A. Bailiff
 - B. Clerk
 - C. Judge
 - D. Juror
 - E. Prosecuting Attorney
 - F. Defense Attorney
 - G. Court Reporter (optional)
 - H. Probation Officer (optional)

- (6) Hearings
 - A. The Court Process
 - B. Preparation of Materials for a Case
 - C. Courtroom Etiquette

- (7) The Court System
 - A. The Adversary System
 - B. Juvenile Justice System
 - C. Small Claims Court
 - D. The Maryland Court System
 - E. Appellate Courts
 - F. U.S. Supreme Court
 - G. Administrative Courts

- (8) Grading or Evaluation (if applicable)
 - A. Role Playing/ Mock Trials
 - B. Preparation of Materials for Court Presentations
 - C. Preparation of Student-Client Materials
 - D. Performance in Hearings—Written and Oral
 - E. Unannounced and Announced Quizzes
 - F. Exams

Outline for the School Court Course

School Court may be designed for a one-semester or two-semester course, or as an after-school activity. If your school plans to implement a two-semester course, your curriculum may be designed to include more information and lesson planning on specific aspects of the legal system. If your school is designing a one-semester course, the instructor may choose to modify components to fit the given timeframe.

I. Unit One: Foundations of School Court

A. Overview of School Court

Students will identify the purpose of the School Court, as well as its mission, philosophy and strategies. Students will learn (or identify) the goals for the School Court and develop a thorough understanding of “equity” in terms of restorative justice, fairness, integrity, contract, discretionary enforcement, standing/status, and confidentiality.

B. The School Disciplinary Code

Students will become familiar with the school statutory/regulatory system as well as statutory/regulatory punishments. Procedures should be based on the Student Code and Student Handbook as written and as modified through your school’s legislative process. The “rights of the accused student” will be examined as they apply to school infractions, as well as the school responsibility to intervene and address disciplinary problems. Students will also identify, with the assistance of the school administration and School Court Advisor, the infractions that will be considered for review by School Court.

C. Code of Conduct

Students will actively participate in the development of a “Court Code of Conduct” based on Maryland court rules and Code of Conduct. As part of this process, students will learn the importance of appropriate courtroom decorum such as dress, language, and respect for the Bench.

D. School Court Logistics

With the assistance of the School Court Advisor and school administration, students will develop the schedule for School Court that will include the number of cases to be reviewed each week, the days and times when School Court will be held, the location, and the assignment of students. Students should conduct preliminary research on the types of infractions that occur most frequently, when they occur and where they occur to help determine the times, locations and days of the week when school court will be held. Students will also consider, develop, and implement a promotional plan to advertise the School Court.

II. Unit Two: The Court System

A. Court Officers

Students will be trained as clerks, court reporters (optional), bailiffs, defense attorneys, jurors, prosecuting attorneys, probation officers (optional), and judges.

Training may be secured through various members of the legal community including but not limited to law students and members of bar associations; or it may be provided by the instructor.

B. The Legal System

Students will overview the adversary system (if time permits, the instructor may wish to compare/contrast our adversarial system with the systems in other countries). Students will identify the various levels of the Maryland Court System and Federal Court System. Students will learn the functions of the United States Supreme Court, the types of cases it will hear, and how the Supreme Court arrives at decisions/ how those decisions impact our law. As time permits, the instructor may wish to bring in speakers on the juvenile justice system and various concentrations in the law. Field trips are also encouraged for first hand glimpses into the legal system.

C. The Court Process

Students will be guided through the court process as it takes place in the courtroom. Students will learn how to prepare various forms, how to prepare for their courtroom presentations, and how to conduct a hearing. Students will learn the literal language used within the courtroom to address the judge, witnesses, and colleagues. As part of this learning process, students will conduct mock trials under the guidance and direction of the School Court Advisor.

III. Unit Three: Implementation of School Court

A. Hearings

Students will conduct School Court hearings on a referral basis from the administration.

B. Evaluation

By this point, students should be evaluated on their performance in, and preparation for, the actual School Court hearings as related to assigned roles. As much as possible, students should be rotating roles so that thorough understanding of each function in the courtroom is understood.

C. “Down-Time”

When court is not in session and preparations for future cases have been completed, students will study units on the court system of the United States. Specific documents will be examined including the Declaration of Independence and the United States Constitution, as well as specific Supreme Court rulings, in an effort to promote student understanding of basic concepts of democracy. Students should seek increased understanding of the rights and responsibilities of citizens within our democratic system. As time permits, students should be introduced to concepts and issues and encouraged to develop informed opinions and advocacy strategies for those issues.

School Court Procedures

The School Court shall have jurisdiction over all matters and persons referred by the administration. Decisions shall be made by an impartial judge upon the presentation of evidence and pleadings in accordance with district policies of discipline. From time to time, it may be deemed necessary by those involved with the School Court to create additional rules to meet specific needs. In this case, rules must be proposed to, and approved by, the school administration.

- (1) Students will conduct hearings on a referral basis from the administration. The referral must include the student's legal name, a concise but complete description of the behavior involved, the signature of the referring administrator on the dated form, and the signature of the defendant indicating acceptance of the referral and a pleading of "guilty" to the specific charges.
- (2) Once a referral is made to the court, a summons will be issued to the defendant giving notice of the court hearing. The court hearing should be assigned within 48 hours of the referral except in extreme situations. The summons must include the name of the student summoned, a description of the offense alleged, the signature of the court clerk, and a command for the person to appear at a clearly stated time and location.
 - A. Upon appearance, the defendant shall be assigned a defense attorney who shall be responsible for filing a pleading and offering a plea of guilty. The defense attorney will file a completed form with the court clerk.
 - B. Upon failure to appear, and no just cause shown for such failure, the defendant shall be cited for contempt and sent for administrative action. *The school should determine what "just cause" will entail: e.g. excused absence, failure to receive summons, student had previous educational requirement mandated by school, etc.
- (3) Hearings by the court shall be based on Maryland rules of criminal and civil procedure in as much as those rules may apply. Student discipline is not analogous to criminal or juvenile delinquency—School Court need not mirror such proceedings. Courtroom decorum shall be practiced at all times. Those in contempt of the court shall waive their School Court rights and such defendants shall be directed through usual administrative discipline processes. The "Code of School Court Conduct" should address situations when/if court officials are held in contempt of court.
 - A. The information or indictment will be presented to the defendant and his/her attorney and is prepared by the prosecuting attorney based on the administrative referral form. Such information or indictment shall include:
 - Caption
 - Name of Defendant
 - Concise, definite statement of essential facts constituting the offenses charged
 - Time and place of offense(s) as definitely as possible
 - Cite to section of regulations violated and section of regulations which fixes the possible sanctions

- Name of the offense(s) charged
 - Signature of the prosecuting attorney
- B. The defendant, through his or her attorney, shall plead “guilty”. The defendant shall be given the opportunity to provide an explanation of the events through direct examination by his/her attorney during the hearing.
- C. (Optional) A transcript of the proceeding shall be kept and a copy will be submitted to the administration, a second copy will be kept on record of the School Court, and a third copy will be provided, upon request, to the defendant.
- D. Each hearing shall include a reading of the information, the defense testimony where appropriate, the prosecutorial cross examination, and the sanctions as imposed by the jury and/or jury.
- E. Judgment of the court is final disposition of the case.
- F. The final judgment of the court will be recorded in the hearing transcript and will, accordingly, be submitted to the administration. If administrative review is made, the court shall be notified as to administrative decisions and/or changes to affect accurate records in the court.
- G. Proper completion and filing of all court forms is necessary for the success of the School Court. Included are suggested forms located on pages 34-56. It is intended that students shall develop a “Code of Conduct for School Court” and propose a numbering system for the student code and student handbook regulations.

Student Regulation Code [Sample]

Code #	Class I Violations	Suggested Sanctions
I-A	Possession, Use, or Distribution of Tobacco on School Property <i>This extends to any activity sponsored by a school.</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Confiscation ▪ Educational report (on relevant topic) ▪ Detention
I-B	Disruptive Behavior <i>Talking too much, making noises, throwing objects, or disrupting others in the educational process.</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Written or verbal apology ▪ Educational project or community service ▪ Restitution for property damage (if applicable) ▪ Detention or in-school suspension
I-C	Verbal Harassment <i>Repeated verbal attacks or taunting of another student.</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Verbal or written apology ▪ Educational project or community service ▪ Detention or in-school suspension
I-D	Damaging Property <i>Inflicting minor damage to school property and property of others. Value of property involved is \$50.00 or less.</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Written or verbal apology ▪ Educational project or community service ▪ Detention or in-school suspension ▪ Restitution for property damage
I-E	Insubordination <i>Defying an order given by a teacher or other faculty member.</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Written or verbal apology ▪ Educational project ▪ Detention or in-school suspension
I-F	Dress Code Violations <i>Wearing clothing that violates the exclusionary dress code.</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Educational project ▪ Detention or in-school suspension
I-G	Cheating/ Copying the work of another <i>Plagiarism or cheating on homework, quiz, test, paper, project or other assignment for school.</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Written or verbal apology ▪ Educational project ▪ Community service ▪ Detention or in-school suspension
I-H	Cutting Class, Truancy, or Tardiness <i>Missing any class, homeroom, or study hall without a valid reason. A student may not leave a class,</i>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Educational project ▪ Community service

	<i>building or school grounds without permission.</i>	<ul style="list-style-type: none"> ▪ Detention or in-school suspension
	Level II Violations	Suggested Sanctions
II-A	<p>Alcohol or Drug Use <i>Being under the influence of alcohol or drugs while on school property or at a school sponsored activity</i></p>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Educational Project ▪ Community Service ▪ In-school suspension ▪ Referral to alcohol/drug treatment education program
II-B	<p>Damaging School Property <i>Destroying books, articles of clothing, automobiles, bikes, or other school or personal property exceeding \$50.00 but less than \$200.00</i></p>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Written or verbal apology ▪ Educational Project ▪ Community Service ▪ In-school suspension ▪ Restitution for property damage
II-C	<p>Gambling <i>Includes all games, devices and contrivances at which money or other things are bet or wagered.</i></p>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Educational Project ▪ Community Service ▪ In-school suspension
II-D	<p>Petty Theft <i>Taking property of the school or another person without prior consent, not to exceed \$200.</i></p>	<ul style="list-style-type: none"> ▪ Parent Notification/Warning Letter and Conference ▪ Educational Project ▪ Community Service ▪ In-school suspension ▪ Restitution to victim (if applicable)

Code of Conduct

[Sample]

I. Dress Code

A. Appropriate Dress Policy

Students are expected to dress appropriately and according to the dress code delineated in the school/student handbook. Should a court official be dressed inappropriately, they shall not be permitted in the courtroom. The Code of Conduct should be given to the student offender when s/he agrees to School Court; if an offender arrives for court inappropriately dressed, s/he shall be held in contempt of court and not permitted to complete School Court.

B. Clothing Standards

1. Male Students

- Jeans/ khakis should not be torn or have holes
- Clothing should fit appropriately
- No hats are permitted
- Hair should be neat
- Jewelry should be conservative
- No sweat suits or jogging suits

2. Female students

- No miniskirts
- Jeans/khakis should not be torn or have holes
- Clothing should fit appropriately (no midriff showing)
- No hats are permitted
- Hair should be neat
- Jewelry should be conservative
- No sweat suits or jogging suits

Please keep in mind that when one appears for court, they should be respectful of the Bench and the court process itself. If you are uncertain whether something is appropriate to wear, do not wear it.

II. Language

A. Loud talking, profanity, outbursts and disruptions are not acceptable. Those individuals who engage in this type of behavior will be considered in contempt of court.

B. Addressing the Bench: The judge is to be addressed as “Your Honor” or “Judge” at all times. Please be respectful of all who enter the courtroom, including defendants.

III. Confidentiality

A. All information pertaining to School Court sessions is confidential; that is, secret or otherwise undisclosed to people outside of the process. Everyone who participates in School Court must take an oath of confidentiality and must observe that oath at all times.

- B. If it has been decided that the oath of confidentiality has been broken, the person(s) involved should be removed permanently from the School Court and disciplinary actions taken.

IV. General Guidelines

- A. Each participant is expected to be on time and prepared for each function of the School Court. This may necessitate arriving sufficiently ahead of time to prepare yourself, speak with your colleagues, and complete relevant paperwork, etc.
- B. Observe courtroom etiquette rules such as:
- Refraining from talking or laughing during the hearing
 - Addressing the judge as “Your Honor”
 - Addressing colleagues and witnesses by their surnames: i.e. Mr. Brown, Ms. Smith. You should not use first names even if you know the person well.
 - Remaining in the courtroom throughout the entire hearing
 - Refraining from facial expressions, nodding your head, and other gestures that may indicate your feelings or opinions about the case
 - Rising when instructed to do so
 - Observing common sense: do not act in a way that will reflect negatively on the School Court program. This applies both in and out of School Court, since you are a representative of the program.
- C. Students who participate in School Court are expected to observe the School Court Code of Conduct as well as general school rules at all times.

IV. Consequences

Under the guidance of the school administration and School Court advisor, students should devise a list of “sanctions” that would be imposed in cases where School Court officials do not abide by the rules established under the school disciplinary code or School Court Code of Conduct. In agreeing to participate in the School Court (via class or volunteer program), students understand the Code of Conduct and agree to abide by these standards.

Considerations:

- Deduction of class points (if working in School Court class)
- Community Service
- Written report
- Suspension from one or more school court sessions

Attorney Code of Ethics [Sample]

- Rule 1.1 Competence
A lawyer shall provide competent (skillful, capable) representation to a defendant. Such representation requires understanding of the School Court Code of Conduct and school disciplinary policies and procedures, as well successful completion of School Court Training.
- Rule 1.2 Scope of Representation
A lawyer shall abide by the decisions of a defendant based upon the defendant's counsel by the attorney as to the specific potentialities of the case. The lawyer should act to prepare the defendant, explaining procedures of the School Court session.
- Rule 1.3 Diligence
A lawyer should act with reasonable diligence (conscientiousness, thoroughness) in representing a defendant.
- Rule 1.4 Communication
An attorney shall keep the defendant informed as to the status of the case. An attorney shall explain all things that will make it possible for the defendant to make informed decisions.
- Rule 1.5 Confidentiality
An attorney shall not reveal information relating to a defendant's representation unless, after consultation, the defendant agrees to revelation of such information. The School Court Advisor shall act to reinforce confidentiality, and when appropriate, as guidance to the attorneys for difficult situations.
- Rule 1.6 Advisor
An attorney shall exercise independent professional judgment and give candid advice based on the law, the school philosophy, as well as moral issues, social questions and political concerns.
- Rule 1.7 Truthfulness
An attorney shall not knowingly make a false statement of fact or of law. Nor shall an attorney fail to disclose a material fact.
- Rule 1.8 Professional Misconduct
An attorney having knowledge that another attorney has committed a violation of the rules of conduct that raises an issue of the attorney's honesty, trustworthiness or fitness as an attorney, shall inform the ethics committee and/or School Court Advisor.

- Rule 1.9 Alternates
Attorneys shall be assigned in partners. Partner attorneys are to share in the preparation of each case.
- Rule 1.10 Role Assignments
Each student shall satisfactorily perform an assigned role before being allowed to perform other roles.
- Rule 1.11 Conflict of Interest
An attorney shall disqualify him/herself if a conflict of interest arises such as family or social relationships, involvement to any extent in the incident, etcetera.
- Rule 1.12 General Behavior
Attorneys must abide by all district, school classroom, and school court rules.
- Rule 1.13 Decorum
An attorney shall not seek to influence the judge or opposing counsel in any unprofessional fashion.

Consequences for Violation of Attorney Rules

Under the guidance of the school administration and School Court advisor, students should devise a list of “sanctions” that would be imposed in cases where School Court Attorneys violate the rules established under the school disciplinary code, School Court Code of Conduct and/or the Attorney Code of Ethics.

Considerations:

- Written report
- Community Service Hours
- Suspension from the specific role
- Suspension from school court duties
- Referral to an “ethics” committee for special decision

The Functions of Court Officers

I. The Bailiff

A. Role

Bailiffs have a variety of functions in the courtroom, including, but not limited to: Enforcing courtroom rules of behavior and maintaining order in the courtroom during trial, guarding jury members from outside contact, and assisting the judge, courtroom clerks, witnesses and jury. The Bailiff also acts to keep all parties informed of the status of cases on the day of the hearing.

B. Procedures

1. The Bailiff will secure the “Bailiff folder” from the Court Clerk upon entering the courtroom. Items that should be in the folder include:
 - Copy of the Role Assignment Form
 - Copy of the Court Docket
 - A Bailiff Information Sheet
2. The Bailiff will make certain all court officers are present by checking the Role Assignment Sheet against those who are in attendance. If any students are not present, the Bailiff shall immediately report such information to the School Court Advisor. This is a critical function for the Bailiff. The Advisor should then make necessary adjustments to the Role Assignments.
3. Once the Role Assignment Sheet has been verified, the Bailiff shall check to see if all defendants are present by calling defendants’ names and comparing those names to the ones listed on the docket.
 - Names of defendants who are present are to be reported to the Court Clerk, who will prepare defendant materials for PA’s and DA’s folders based on this information.
 - Names of those defendants who are not present should also be reported to the Court Clerk.
 - Once all defendants are accounted for, the Bailiff reports the final status of all defendants to the Court Clerk.

C. Courtroom Processes

1. The Bailiff communicates with the Judge to learn when s/he is ready to begin.
2. The Bailiff shall call the Court to order, by “crying” the court (announcing the upcoming case).
3. The Bailiff keeps order in the courtroom while other officers perform their duties. If inappropriate behavior occurs, the bailiff requests that such behavior stop immediately and this request is to be honored immediately. A contempt of court citation may be warranted or other action taken.

[For consideration: A process should be established prior to the beginning of School Court so that all involved know the procedures to follow (i.e. who will handle disruptive behavior: the School Court Advisor, the student-judge, the bailiff, etc.)]

4. The Bailiff provides any assistance requested by the judge, the clerk, the court reporter or the Advisor.
5. The Bailiff should follow the script provided.

II. The Court Clerk

A. The Role of the Clerk

The Court Clerk is an official who handles the business of a court, maintains files of each case, and issues routine documents. Most courtrooms have a clerk to keep records and assist the judge in the management of the court.

B. Procedures

1. Pull Court Docket and the Bailiff folder (the Bailiff is responsible for securing the Bailiff folder from you). The Bailiff folder should contain:
 - A copy of the Role Assignment Form
 - A copy of the Court Docket
 - A Bailiff Information Form
2. Pull Processed Folders. The folders will contain:
 - Copy of the Conference Card and/or Referral Form from school administration
 - Summons
 - Signed Return on Service of Summons
3. The Bailiff will determine the presence or absence of defendants in the courtroom. The Clerk shall place materials in the folders of the prosecution and defense attorneys only for the defendants who are present.

[For consideration: If you implement this program as a class and manage it during the school day, you need to decide how to handle situations when defendants do not appear for court. Consider appointing a court official who will communicate with the Bailiff to learn who has not appeared. That designee will go to the defendant's classroom to escort the defendant to the courtroom or to determine absence from the school. This designee will report back to the Bailiff regarding the final status of the defendants appearing for court.]

4. The Court Clerk shall keep a record of the court proceedings and add them to the defendant's folder. This record should include the following:
 - A summary of the defendant's explanation of events
 - The sanctions imposed by the judge or jury
 - The date by which the sanctions must be completed before referral to school administration

III. The Judge

A. The Role of the Judge

The judge acts as an impartial party to decide the outcome of a case and/or to facilitate a case in a court of law. The judge will hear both sides of the case: prosecution and defense. If conducting a jury trial, the judge will entertain sanctions imposed by the jury. If conducting a bench trial, the judge will decide the sanctions for the defendant after considering requests from either side. The judge also acts to keep order in the courtroom.

B. Procedures

1. Check in with the Bailiff.
2. Go to chambers.
3. The Court Clerk will bring the defendants' folders to you as they are completed with necessary documents.
4. Be sure to read all documents thoroughly so that you are prepared to hear each case. The Bailiff will check with you regularly to see when you are ready to begin.
5. Follow the script for the court hearing.
6. Each side will present its case.
7. Before the jury retires to the jury room for deliberations, you should appoint a foreperson who will act as a spokesperson for the jury. The jury shall then deliberate to determine appropriate sanctions. Once they have determined these sanctions, they shall be submitted to you for review.
8. Upon your approval, the sanctions shall be read by the jury foreperson.
9. You shall then impose the timeline within which the sanctions must be completed. This timeline should be an established component of the program (i.e. 30 days, 45 days, etc.)

C. Inappropriate Behavior

If there is inappropriate behavior in the courtroom, you should request that the Bailiff take action to remedy the problem. The atmosphere and order of the court are part of your responsibility. Should this occur, you should state, "Would the Bailiff please establish order in this court?" or "(Specific behavior) shall not continue or you (state students' names) will be held in contempt of Court." Should behavior then continue, the Judge shall state, "I am finding you (student name) in contempt of court. Bailiff, please remove the party from this Court."

IV. Probation Officer (Optional)

All student volunteers shall serve as probation officers in conjunction with regular court officer roles since all defendants will be assigned a probation officer.

A. The Role of the Probation Officer

The primary function of the probation officer is to follow-up with the defendant to ensure that all obligations to the court are met in a timely fashion.

B. Procedures

1. You will secure a copy of the probation form from the clerk. The form shall state specifically what the defendant's obligations are to the court.

2. Your duties will vary according to each case. It is your primary function to verify that each defendant has completed his or her sanctions by the deadline. *This process can be as simple or complex as you wish. You may desire a system that includes a warning given to defendants who are approaching their deadline though this system will obviously involve more paperwork. You will want to develop appropriate forms to coincide with the system you develop.

V. Prosecuting Attorney

A. The Role of the Prosecuting Attorney

In a normal trial, the role of the prosecuting attorney is to provide facts, information, etcetera to a judge and/or jury that will lead them to a finding of “guilty” in a particular crime. For the purpose of school court, the prosecutor’s role is not to establish guilt, because the defendant has already had to admit his or her guilt to participate. Instead, it is your objective to highlight the severity of the charge(s) against the defendant and request of the judge and/or jury the sanctions you deem appropriate.

B. Procedures

1. Check in with the bailiff when you arrive.
2. Take a seat at the table provided for the prosecution.
3. The clerk will provide you with a folder containing copies of referral forms and blank indictment forms for each defendant.
4. For each defendant, you are to:
 - a. Read the referral.
 - b. Determine which school regulation(s) has/have been violated.
 - c. Fill out the entire indictment form.
 - d. Keep your copy.
 - e. Give the Defense Attorney their copy.
 - f. Give the clerk their copy.
5. The Defense Attorney may wish to discuss the defendant’s case with you; to clarify the charges, for example. You are to discuss openly with the Defense Attorney anything of relevance.
6. You are to prepare sentencing recommendations and an opening statement along with an outline for your closing argument for each case. The judge/ jury is not obligated to accept sentencing recommendations that you request. You must be prepared to give an opening statement and closing argument as well as to cross examine the defendant in every case.
 - a. **Opening Statement**

An opening statement is not actually an argument, but a series of statements based on the facts of the case. The purpose of the opening statement is to introduce yourself, your co-counsel, and your client. Outline the case from your point of view. You should present the facts that will support the sanctions you have requested. You should try to avoid giving too much narrative detail, or overstating facts that may not be proven. You should also try to avoid reading too much if you use notes.
 - b. **Cross Examination**

Cross examination is always based on the information elicited from the defendant by the Defense Attorney. You should not re-ask questions that have

already been raised. Instead, you may wish to seek clarification, point out discrepancies in the defendant's testimony, and attack the credibility of the defendant on cross. Do not ask questions of the defendant for which you do not know the answers.

c. Re-Cross Examination (if necessary)

The purpose of re-cross is to further prove a point brought up during cross-examination. It is not appropriate to simply re-ask questions already raised. Re-Cross is limited to what was brought up during re-direct.

d. Closing Argument

Your closing argument should be drafted based on all information—it should not simply summarize what was stated in your opening remarks. Highlight information that has come to light through testimony that would justify support for the sanctions you requested. Refer to any specific points that the defense promised but did not make. Focus on and argue only what you believe is important to your case. Be dynamic! Address any arguments the defense made in its closing argument. Repeat once again the sanctions you wish imposed on the defendant and your rationale.

7. Decorum

You are expected to uphold all rules of courtroom decorum, including dress, language and behavior. Please prepare yourself as much as possible for each case, familiarizing yourself with the script and the facts of each case. This is your responsibility.

8. Conclusion

Please complete all necessary forms and place them in the appropriate folder. Return the folder to the clerk.

VI. Defense Attorney

A. Role of the Defense Attorney

In order to participate in School Court, the defendant must admit his or her guilt to the cited charges. In a typical trial it is the duty of the defense attorney to present facts that will lead the judge and/or jury to find for the defendant. Your function is to question the defendant so that his or her side of the story is explained, and mitigating factors are introduced, thus *potentially* lessening the number or severity of sanctions imposed.

B. Procedures

1. Check in with the bailiff when you arrive for School Court.
2. Take a seat at the table provided for the defense attorney.
3. The clerk will provide you with a copy of the indictment form for each defendant as they complete the forms.
4. The Prosecuting Attorney will provide you with a copy of the indictment form for each defendant as they complete the forms.
5. For each defendant, you are to:
 - a. Read the referral.
 - b. Introduce yourself to the defendant—a place should be designated for the defendants to wait.
 - c. Explain that, as the Defense Attorney assigned to their case, your job is to make certain that due process is followed and that their rights are protected; your job is not to prove innocence.
 - d. Interview the defendants one at a time to elicit information about the incident.
6. Let the defendant run through their version of the incident without interruption and without note taking. This should put the defendant at ease and give you a first impression as to possible defenses, mitigating circumstances, etc. that might be incorporated.
7. Following the initial narrative, the attorney should ask pointed questions to clarify the defendant's story. You should not suggest answers in your questioning—this is referred to as “leading questions.” Make certain that you understand the defendant's version of the incident.
8. Help the defendant state his/her story in a clear, logical way. Take any notes you need in order to formulate your opening statements, direct examination questions, and closing arguments.
9. Discuss the indictment with the defendant. Make certain the defendant understands the regulatory violation(s) and possible sanctions. Emphasize that the defendant, in order to comply with the terms of School Court, has agreed to plead guilty to all charges. A guilty plea to charges often carries with it the expectation that mitigating circumstances will be introduced in an attempt to lighten the sanctions. Mitigating

circumstances are essentially anything that the attorney may bring to light that strengthens the presentation for the Defense in the eyes of the Court. They may include information about the incident which explains the defendant's behavior or actions; for example— good grades, no past offenses, provocation, parent-imposed punishments, etcetera.

10. The Court Clerk shall then hand you the “answer sheet” which states the defendant has plead guilty to all charges. Complete the form in entirety. This must be signed by you and the defendant.
11. From your notes during your interview with the defendant and from the referral form, you should draft your opening statement, direct examination and closing argument.
 - a. Opening Statement
The purpose of the opening statement is to introduce yourself, your co-counsel, and your client. Outline the case from your point of view. You should present facts and explain why the court should find for the defendant and tell what the defense seeks as (an) appropriate sanction(s). You should try to avoid giving too much narrative detail, or overstating facts that may not be proven. You should also try to avoid reading too much if you use notes.
 - b. Direct Examination
The Defense Attorney must be familiar with the testimony of the defendant. The D.A. must also be certain that the defendant will answer direct examination questions so as to present the evidence in the best light as possible for the defendant's case. No question should be asked that the attorney does not already know the answer to; similarly, the defendant should understand exactly what information the Defense Attorney is seeking when they ask a question. The Defense Attorney should prepare questions that will build the defendant's case and give the court a clear picture of the incident. The questions should be written down. They should be reviewed at least once with the defendant so that you both understand and know the questions and answers. Make sure the questions are relevant and not damaging to the defendant.
 - c. Re-Direct (if necessary)
The purpose of re-direct examination is to rehabilitate the defendant or repair damage done by your opponent. It is not always necessary. Re-Direct is limited to what was raised during cross examination.
 - c. Closing Argument
A closing argument should be drafted based on all information. This is not just a summary of the case. Your closing argument should serve to highlight any evidence that has come to light through direct and cross examination that would justify a lighter sanction than that which is being requested by the Prosecution. It should point out anything the Prosecution stated it would prove that has gone unproven. Repeat what you wish the court to do based on what

they have just heard from you. This is your final opportunity to impact the judge/ jury's decision. Be an advocate for your client—forcefully urge your point of view. Be dynamic!

12. This process shall be followed for each defendant:

Instruct the defendant on proper courtroom decorum. They should sit up straight and maintain a respectful demeanor. The defendant will make an impact on the judge/jury, so it is important that the defendant make a positive impression on everyone in the court. The Judge shall be addressed as “Your Honor” and the defendant will look at the judge when addressing the court. When under questioning by either attorney, the defendant shall make eye contact with them. Outbursts, under-the-breath comments, and the like, shall not be tolerated and will result in a contempt of court charge, dismissal from School Court, and immediate administrative action.

13. You are expected to be completely familiar with the script and to follow guidelines for addressing the court and for maintaining decorum.

14. At the close of the court session, you are to place all documents in your folder and return the folder to the Court Clerk.

VII. Jury

A. Role of the Juror

Serving as a juror is a very serious responsibility. As a juror, you have a duty and obligation to maintain yourself in a professional and responsible manner. It is by your judgment with your fellow jurors that another person will have to serve a sanction for an act against school regulations.

Jurors are obligated to perform honestly and conscientiously, without fear or favor. If a Juror is well acquainted with a youth offender, s/he must notify the School Court Advisor or the Judge to be excused from the proceeding. The Juror should then expect to serve on another jury.

B. Procedures

1. Traditional Method Trial

- Jurors must listen to both sides of the case without prejudice and render a fair verdict. Jurors must base their decision upon the evidence as they hear it in court, as well as the Judge's instructions and the Sanction Guidelines. Jurors must keep in mind the fact that the defendant has admitted being involved in the offense and that their involvement in the School Court process is to assign fair sanctions—not to determine guilt or innocence.
- Proper decorum for a juror includes sitting up straight, being attentive to the proceedings, and maintaining the dignity of the courtroom. Controlling one's emotions and facial expressions is also important. Do not talk during court sessions.
- After all arguments and closing statements have been presented, the jury will retire to the jury room for deliberations in order to determine the sanctions for the defendant.

- Before you are brought to the jury room for deliberations, the judge will appoint a foreperson. This individual acts as a spokesperson for the jury.
2. Grand Jury Method Trial
- In a Grand Jury, there are no student attorneys.
 - The Defendant is sworn in and takes the stand.
 - The judge provides a summary of the case.
 - The jurors and the judge question the defendant directly.
 - After all questions have been asked, the jury will retire to the jury room for deliberations to determine the sanction(s) for the defendant.
3. Deliberations
- Once in the jury room, the jury foreperson will lead the discussion in determining the appropriate sanctions for the defendant.
 - Discuss the mitigating and aggravating circumstances of the case.
 - The jury foreperson should begin by asking for sanction suggestions based upon the facts presented. All jurors should remain in their seats and pay close attention until consensus on the sanctions has been reached. Each juror should be consulted and should freely give his or her opinion. Each juror should listen closely to the opinions of other jurors as well.
 - When constructing the sanctions, please keep in mind the defendant has a specific number of days (previously set by the School Court) to complete them.
 - Previous cases should NOT be used as a foundation for determining the sanctions for the case at hand. Previous cases should not be discussed at any time during jury deliberations.
 - If there is disagreement among the jury, the Foreperson shall facilitate a discussion to determine the sanctions. If necessary, the School Court Advisor will be involved.
 - Sanctions are considered accepted by the jury if a majority of the jurors agree to a particular sanction. You may wish to establish a two-third's or three-quarter's rule.
 - Once the jury is finished deliberating, the Jury Foreperson will advise the Bailiff that the jury is prepared to deliver the sanction(s).
 - The Jury Foreperson hands the Jury Findings Form to the Bailiff, who then hands it to the judge.
 - The Judge reviews the Jury Findings Form and approves/disapproves the sanction(s). If the Judge approves the sanction, the Judge will ask the defendant and the Defense Attorney to stand. The Judge will hand the Jury Findings Form to the Bailiff, who returns it to the Jury Foreperson, who will read the sanctions. Please note: The Judge may disapprove and/or modify the sanction if it is inappropriate or outside the guidelines.
 - The Judge excuses the jury after the Foreperson reads the sanctions and ensures understanding on the part of the defendant. The jurors should remain seated until the Judge departs the courtroom.

VIII. Court Reporter (optional)

A. Role of the Court Reporter

The main function of the Court Reporter is to keep record of all court proceedings via tape recorder and the transcript form.

B. Procedures

1. Check in with the Bailiff when you arrive.
2. Go to the instructor and get the tape recorder and a tape.
3. Record the name of the defendant and the date on the tape.
4. Take the recorder into the courtroom and seat yourself at the designated table. Set up the tape recorder so that it is ready to record, and wait for the Bailiff to signal that court is ready to begin. Begin recording when the Bailiff calls the court to order by stating, "All Rise." Do not turn off the tape during the session unless the judge adjourns to chambers. Make sure everything stated in court is on tape.
5. You are to take notes on the reporter's transcript form or on a designated computer – including the case number, date, and judgment. Turn all of your notes into the school court instructor at the end of the court session.
6. Remove the tape and return it with the tape recorder to the instructor.
7. You may be asked to assist other court officers or the school court instructor.

Scripts

I. Outline: Opening Statement

A. Introduction

1. Greeting to the Court

- “May it please the Court?”
- “May I approach the Bench?”
- “Good morning/afternoon, Your Honor.”

2. Introduction of Self

- “I am Jane Smith, counsel for the defense in this case.”
- “I am John Brown, counsel for the prosecution in this case.”

3. Introduction of Co-Counsel

“This is my co-counsel, Jamey Rogers.”

4. Attention Getter

- Question
- Story
- Quotation

B. Body

1. Defense: Facts

- Who, What, When, Where
- “Testimony will show” why and how
- “Evidence will show” why and how

2. Prosecution: Facts

- Who, What, When, Where
- “Prosecution will show” why and how
- “The conference card clearly states”...

3. Code Violation

- Number of regulatory code in issue
- Explanation/ overview of regulatory code
- How it applies in this case

4. Sanctions

- “The defendant is pleading guilty in light of...”
- (Defense) “We believe the following sanctions, and no more, are appropriate in light of the offense(s)” ...on the following basis:
 - based on mildest sanctions available (if you deem appropriate)
 - explanation of the defense (draw from mitigating circumstances)
 - credibility/content of testimony
 - credibility of defendant

- (Prosecution) “We believe the following sanctions, minimally, must be imposed on this defendant in light of the severity...of the offense committed”...on the following basis:
 - based on harshest sanctions available (if you deem appropriate)
 - unacceptable defense
 - credibility/content of testimony
 - lack of credibility of defendant

5. Conclusion

- Summarize the facts.
- Repeat specific sanctions being sought.
- Thank the Judge.

II. Direct Examination

A. Purpose of Direct Examination

To tell the Court the story through the defendant’s answers to the defense attorney’s questions. The answers to the direct examination questions should be facts and information that support the opening statement and closing argument made by the defense attorney. Events should be described in a clear and persuasive manner with the defense attorney orchestrating the flow of the story.

B. Rules of Direct Examination

1. Always review everything with your client. Make sure that your client knows what the answer is to every question and is comfortable with his or her response. Be sure you have instructed your client to observe appropriate courtroom decorum at all times during trial.
2. Never ask a question to which you do not absolutely know the answer.
3. Frame the truth in the best light for your client.

C. Script

1. Please state your name for the record.
2. Do you recall the events of (give date of incident)?
3. Would you please tell the court exactly what happened that day?
 You control the amount of information you get at this point through your questions. You control the flow of information by working with your client so that he/she knows exactly how you want this question to be answered. You should not allow the defendant to give a long, uninterrupted account of the event – this is referred to as a narrative answer—and in some instances is objectionable. Also, this detracts from your effectiveness as the defense attorney.
4. Move forward with your line of questioning, avoiding leading questions (questions that lead the defendant to a “yes” or “no” answer), compound questions (that entail several questions and require more than one answer), and repetitious questions

(unless the defendant gave an incorrect answer the first time and you wish to attempt to re-ask the same question, to which an objection *may* occur.) Be prepared to justify questions that may appear irrelevant to the court. Be mindful of questions by the prosecuting attorney on cross examination so that you may address any issues they brought up on redirect.

5. Helpful Hints for the Defense Attorney during cross examination

- If the Prosecuting Attorney attempts to address subject matter that you did not introduce through direct examination, you should object on the following grounds:
“Your Honor, this is outside the scope of the direct examination” or
“Your Honor, this is irrelevant.”
If the Prosecuting Attorney claims the issue goes to the credibility of the defendant, then you may be overruled by the judge.
- The Prosecuting Attorney may “lead” the defendant—that is, ask leading questions. However, the Prosecuting Attorney may not badger the defendant. You may have grounds for an objection if the Prosecuting Attorney seems to be harassing the defendant.
“Your Honor, Prosecution is badgering the defendant.”
- During any objection, be prepared to cite the grounds on which you are making the objection.

6. Helpful Hints for the Defendant in response to cross examination

- Do not volunteer any information; answer “yes” or “no” whenever possible. Tell only what you recall.
- Do not speculate, guess, assume or judge. Testify only to what you personally saw, did, heard, felt, or said.
- Do not exaggerate; avoid adjectives and superlatives such as “never” and “always”. (For example, you state: “I always come to class on time.” Follow-up question by prosecution: “So, you have *never* been late to class, *ever*? Since you have been late one time this semester, you qualify your original answer, potentially lessening the credibility of your testimony.)
- If a question is inaccurate, state that you cannot answer, even if the Prosecution tries to force you to agree or disagree. Do not try to correct the question or to argue with the Prosecuting Attorney.
- If you state something inconsistent with your direct examination testimony, simply correct yourself. If the Prosecuting Attorney does not allow this, your attorney can clarify on redirect. You should not panic, argue or attempt to re-answer.

III. Cross Examination

A. Purpose

To obtain more information necessary to support statements made in summation; to reveal information that supports the cross-examiner's (PA's) case and that damages the opposing party's (DA's) case.

B. Types of Cross Examination

1. Supportive cross examination:

Develops evidence that supports the Prosecuting Attorney's case by eliciting favorable information and/or repeating or bolstering favorable evidence developed by direct examination.

2. Discrediting cross:

Attacks the credibility of the defendant and/or testimony. Most cross examination questions are designed to reduce the persuasive value of the Defense Attorney's evidence. Most cross examination falls into this category.

C. Scope

Cross examination questions can only address subject matter introduced in direct examination unless you can convince the judge that an unrelated question goes to the credibility of the defendant. Credibility of the defendant is another appropriate area for cross-examination.

D. Hints

Cross examination questions must contain or suggest the answer sought. Only leading questions should be asked. Do not ask "why" questions or questions requiring explanations. Questions should be short and simple and should require agreement from the defendant.

E. Sample Script

Mr. Smith, did you state that you arrived to third period at 9:50? (Yes.)

You also told the court that you questioned the teacher's request for you to leave the classroom. Is that correct? (Yes.)

Your excuse for questioning the teacher was that you had a bad morning. Is that correct? (Yes.)

No further questions, Your Honor.

IV. Closing Argument

A. Introduction

1. Opening

- "May it please the court?"
- "May I approach the bench?"

2. Attention Getter

- Case theory
"This is a case of miscommunication."
- Dramatic introduction

“Is it more important that a rule which is inconsistently enforced be observed or that a student be encouraged to complete important classwork?”

- Explanation of purpose of argument
“This is my final opportunity to speak to you. What I have to say will be consistent with what I have said to you before and with what you have heard and seen during the hearing.”
- Thanking the judge and jury
“We, the attorneys, have nearly completed our work here. You will shortly begin your deliberations to reach a fair and just decision in this hearing. My co-counsel and I, as well as our client, would like to thank you for the time and attention you have given to this case.”

B. Body

1. Previous representations
 - Make the most of “I told you evidence would prove _____ and it did.”
 - Emphasize your opponent’s misstatements.
2. Analyze credibility of defendants
 - Prosecution: analyze the conference card/referral for strengths and the defendant’s statements for weaknesses
 - Defense: analyze the defendant for strengths and the conference card/referral for weaknesses
3. Explain the law/sanctioning request
 - Restate the regulation in issue.
 - Describe the specific sanction being requested.
4. Explain away weaknesses
 - To support sanctioning request.
 - To re-establish credibility/ doubt of defendant.
5. Expose opponent’s weaknesses
 - Expose any opening statement representations that were not met.
 - Expose inconsistencies between the opening statement representation and the hearing.
 - Prosecution may expose inconsistencies and weaknesses of the defense’s closing argument.

C. Conclusion

1. Summarize what you want the court to do and why.
2. Thank the judge. “Thank you, Your Honor.”

IV. Full Court Script

The Bailiff calls the court to order after checking with the judge. The Bailiff should stand and state: “All rise. The (date) session of School Court will now to come to order. The Honorable (Judge’s Name), presiding.”

A. Judge: “You may be seated.”

B. Judge: “Will the Prosecuting Attorneys please introduce themselves?”...”Thank you, Counsel.”

C. Judge: “Will the Defense Attorneys please introduce themselves?”... “Thank you, Counsel.”

D. Judge: The Court will now hear case number (____-____ , Name of High School vs Name of Defendant.)

E. Judge: “Will the Defendant please stand?” Defense Attorneys shall rise with the Defendant.

F. Judge: “You have been charged with violation of regulation number ____ which is (i.e. the use of abusive language).”

G. Judge: “Do you understand the charges against you?”

H. Defendant: “Yes, Your Honor.”

I. Judge: “You understand that to proceed through School Court, you must plead guilty to the named offense(s).”

J. Defendant: “Yes, Your Honor.”

K. Judge: “And you also understand that the purpose of this hearing is to in fact determine appropriate sanctions for the offense.”

L. Defendant: “Yes, Your Honor.”

M. Judge: “You may be seated.”

N. Judge: “May we first hear from the Defense.”

O. Defense: proceeds with opening statement

P. Judge: “May we now hear from the prosecution.”

Q. Prosecution: proceeds with opening statement

R. Judge: “Is the Defense ready to proceed with its direct?”

S. Defense: “Yes, Your Honor. Defense calls Mr./ Ms. (defendant’s name) to the stand.”

T. Bailiff (to the defendant): Please raise your right hand. Do you swear to tell the whole truth and nothing but the truth?”

U. Defendant: “I do.”

V. Bailiff: “Please be seated.”

W. Defense Attorney: proceeds with direct questioning and concludes with: “No more questions, Your Honor.”

X. Judge: “Prosecution may proceed.”

Y. Prosecution: proceeds with cross examination and concludes with: “No more questions, Your Honor.”

Z. Judge: “Does Defense wish to re-direct?”

AA. Defense Attorney, “Yes/ No, Your Honor.” (If yes, Defense proceeds.)

BB. Judge: “Does Prosecution wish to re-cross?”

CC. Prosecution: “Yes/No, Your Honor.” (If yes, Prosecution proceeds.)

DD. Judge: “Is the Defense prepared to make their closing argument?”

- EE. Defense: “Yes, Your Honor.” Or if you need time to prepare, you may request: “Your Honor, may we have a moment to prepare?” -- to which the judge may or may not grant you permission.
- FF. Judge: “Is the Defense prepared to make its closing argument?”
- GG. “Yes, Your Honor.” (Defense proceeds.)
- HH. Judge: “Thank you. The jury shall convene to the deliberation room. Bailiff, please accompany them.”
- II. Bailiff, “All rise.” (The judge walks into chambers. All remain standing until the judge has left the courtroom.)
- JJ. The jury follows the Bailiff into the deliberation room, where it shall discuss appropriate sanctions for the defendant based on the arguments just heard. Once the jury has completed its deliberation, the Jury Foreperson shall notify the Bailiff. The Bailiff shall notify the Judge that the jury is finished. The Bailiff will then notify the attorneys for either side. Attorneys and the defendant should return to their seats immediately. The jury will then be accompanied back into the courtroom by the Bailiff. The Jury Foreperson shall be prepared to give the sanctions to the judge for review. Once the Judge has read the sanctions and approved them, s/he will return the form to the Jury Foreperson to read to the Court.
- KK. Judge: “Has the jury reached its decision?”
- LL. Jury Foreperson shall rise and remain standing throughout the reading of the sanctions. “Yes, Your Honor, we have. The members of the jury have recommended the following sanctions to the Court:.....”
- MM. Judge: “Your sanctions have the Court’s approval. The defendant shall complete the sanctions within (# of days) or face administrative action by the school. Please see the Court Clerk for instructions and probation information. (The Clerk shall have the information and necessary forms ready for the Defendant.) The Court thanks the members of the jury for their time and service. Court is adjourned.”
- NN. Bailiff: “All rise.” (The Judge will return to chambers.)
- OO. Court is dismissed and all may depart the courtroom.

**Student Referral
to School Court Hearing**

Student Name and ID Number (if applicable): _____

Staff Complainant's Name: _____

Date of Offense: _____ Time of Offense: _____

Violation in Regulation Number: _____

Description of Behavior (or attach conference card):

Referring Administrator: _____

Student Signature*: _____

Date of Referral: _____

*Signature of student indicates a pleading of guilty to the aforementioned charge(s) and a willingness to attend School Court in lieu of sanctions imposed by school administration.

**School Court
State of Maryland**

School Court/ Prosecutor

vs.

No. _____

Defendant

SUMMONS

The School Court to Defendant _____.
You are hereby summoned to appear before School Court and to prepare with the aid of counsel your case in response to the indictment which shall be prepared by the prosecuting attorney upon your appearance at the time and date stated in the summons. If a test is scheduled at this time and on the date stated herein, you must obtain, from the School Court Clerk in room _____, a "Request for Continuance Form." You must complete, sign and date the Continuance Form and it must also be signed and dated by your teacher who is administering the test. The form must be returned to the School Court within 24 hours of receipt of the summons. You will receive a new summons stating the time and date which you must appear before court.

If you fail to appear before the court for any reason other than excused absence, or a granted continuance, you will be cited in contempt of court and will be sent through administrative disciplinary channels.

You, _____, shall appear in the School Court in Room _____, on _____, the _____ day of _____, 20____, at _____.

By: _____
Court Clerk

Return on Service of Summons

I hereby certify that I have served the summons by hand delivery on (date) _____ . A copy of the summons and a copy of the petition to the within named defendant, have been presented to said defendant.

Sworn by:

Court Clerk

Name of Defendant

Inability to Serve Summons

I hereby certify that I have been unable to serve the within summons. I am returning the summons to be reserved at the clerk's instructions.

Process was not served due to:

_____ Defendant's absence

_____ Defendant's refusal to accept

_____ Teacher refusal to allow delivery

_____ Other (explain)

Name of Defendant

Sworn by Court Clerk

Date

Returned for Administrative Action

School Court/ Prosecutor

vs.

No. _____

Defendant

The above named defendant, _____, is being referred for administrative action. School Court has unsuccessfully attempted service of summons on three (3) separate occasions. The Court therefore relinquishes jurisdiction.

Clerk

Administrator

Date

School Court Advisor

Request for Continuance

School Court

vs.

No. _____

Defendant

I, the defendant in the above captioned case, scheduled to be heard on _____,
20_____, at _____o'clock do respectfully request a continuance. On said date,
at said time, a teacher administered test is scheduled. The administering teacher has signed and
dated this request in testimony to my good faith intention to fulfill my responsibility to the Court.

Signature of Teacher Administering Test

Please Print Name

Defendant

Date

Contempt – Failure to Appear

Prosecutor

vs.

No. _____

Defendant

The above named defendant is cited for contempt of court for failure to appear without just cause before the School Court on _____ as so summoned.

Such contempt removes the defendant from the jurisdiction of the said court and places the defendant in the jurisdiction of the administration.

If dismissal of this contempt citation is sought, a motion must be filed with the court clearly stating the grounds. A motion for dismissal form is available from the Court Clerk. A granted motion will result in assignment of a new court date. A denied motion will result in referral of defendant to the administration.

Date

Judge

Motion for Dismissal of Contempt Citation

Prosecutor

vs.

No. _____

Defendant

I, _____, do hereby move for dismissal of the contempt for failure to appear. Dismissal should be granted based upon:

- _____ Filed and approved continuance form
- _____ Evidenced excused absences
- _____ Failure to receive summons (returned summons creates presumption of effective service.)

Date

Defendant or Defense Attorney

**Citation for Contempt of Court
During Proceedings**

Prosecutor

vs.

No. _____

Defendant

Defendant, exhibiting behavior not in keeping with court decorum, stands in contempt of the School Court.

Culpable behavior consisted of: _____

Such contempt removes the defendant from the jurisdiction of School Court and places the defendant in the jurisdiction of the administration.

Date

Judge

Citation for Contempt of Court – Court Officer

Prosecutor

vs.

No. _____

Defendant

Court Officer, _____, exhibiting behavior not in keeping with court decorum, stands in contempt of School Court.

The portion of the “School Court Code of Conduct” violated by the above named officer with it the predetermined penalty as follows:

Violation described: _____

Penalty imposed: _____

Date

Judge

**Indictment
School Court**

Prosecutor

vs.

No. _____

Defendant

In the name of and by the authority of Name of Your High School do present in and to School Court, that one, _____, hereinafter styled Defendant, on _____, at _____, o'clock, in _____ did unlawfully, knowingly and intentionally commit a violation of (cite code number) _____; (give brief description) _____

Date

Prosecuting Attorney

Answer – Guilty

Prosecutor

vs.

No. _____

Defendant

Comes now the defendant and admits to all allegations in the complaint/indictment information.

Date

Defendant or Defense Attorney

Transcript Form

Recorder's Name: _____ Date: _____

Case #: _____ Case Name: _____

Violation Code Numbers: _____

Name of Codes: _____

Defendant's Plea: Guilty

Judgment/Sanctions by Court: _____

Date Sanctions Must be Completed: _____

Recorder's Name: _____ Date: _____

Case #: _____ Case Name: _____

Violation Code Numbers: _____

Name of Codes: _____

Defendant's Plea: Guilty

Judgment/Sanctions by Court: _____

Date Sanctions Must be Completed: _____

Defendant's Request for Transcript

Prosecutor

vs.

No. _____

Defendant

The above named defendant requests an official transcript of the School Court proceedings of :

Date

Signature of Defendant

School Court Sanction Form
[Sample]

Date: _____

Case Number: _____

Name of Defendant: _____

Code Violation Number: _____

Grade: _____

Upon signature below, the defendant will agree to successfully complete the following sanctions that have been assigned through School Court.

- _____ Jury Duty: specify number of sessions _____
- _____ Community Service Hours: specify number of hours _____
- _____ Counseling: specify number of sessions _____
- _____ Detention: specify number of hours/days _____
- _____ School-Related/Educational Project: please specify _____
- _____ In-School Suspension: specify number of hours/days _____
- _____ Restitution for Property Damage
- _____ Mediation
- _____ Verbal Apology to: _____
- _____ Written Apology to: _____
- _____ Other: _____

I have read the above sanctions and agree to accept them and abide by the conditions set forth. I understand that if I fail to comply with any of the above mentioned conditions, my case will be referred back to the School Administration for immediate disciplinary action.

I agree to complete all of the sanctions recommended by the School Court jury.

Signature of the Youth Offender

Date

Signature of the School Court Advisor

Parent/Guardian Signature

Written Final Judgment of the Court

Prosecutor

vs.

No. _____

Defendant

On this _____ day of _____, 20____, came the parties with their attorneys. The named Defendant has plead guilty to the violations. Please refer to the School Court Sanction Form for specifics of sanctions.

It is, therefore, ordered: _____

Date

Judge

Probation Checklist

Case Number: _____

Defendant's Name: _____

Probationary Defendant has completed the following sanctions:

- _____ Jury Duty
- _____ Community Service Hours
- _____ Counseling
- _____ Detention
- _____ School-Related/Educational Project
- _____ In-School Suspension
- _____ Restitution for Property Damage
- _____ Mediation
- _____ Verbal Apology
- _____ Written Apology
- _____ Other: _____

Date

Probation Officer Name

Probation Officer Signature

Probation Violation Notification

You, _____, are hereby informed that you are in violation of your probation as assigned by School Court.

Your initial probation assignment included:

- _____ A. _____
- _____ B. _____
- _____ C. _____
- _____ D. _____
- _____ E. _____

Each item checked above is incomplete and needs to be rectified immediately as stated below:

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

FAILURE TO RESPOND TO THIS NOTICE WILL RESULT IN ADMINISTRATIVE ACTION IN KEEPING WITH THE ORIGINAL CHARGES AND IN WITH CONTEMPT CHARGES FILED BY THE COURT.

IF YOU FEEL YOU HAVE RECEIVED THIS NOTICE IN ERROR OR IF YOU HAVE QUESTIONS, PLEASE CONTACT THE SCHOOL COURT UPON RECEIPT OF THIS NOTICE.

Date

Clerk's Signature

Date

Defendant's Signature

Citation for Non-Compliance with Probation Violation Notification

Defendant, _____, is in violation of probation as assigned by the School Court and has failed to rectify said violation within appropriate time restraints.

Said violation of probation consists of:

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

Due to this non-compliance with the court's order, the above named defendant is being referred back to the administration consistent with the original charges and with the violation of probation citation.

Date

Clerk

Bailiff Form

Bailiff Signature: _____ Date: _____

Presiding Judge: _____

Case # _____ Defendant: _____

Prosecuting Attorney: _____

Defense Attorney: _____

Case # _____ Defendant: _____

Prosecuting Attorney: _____

Defense Attorney: _____

Case # _____ Defendant: _____

Prosecuting Attorney: _____

Defense Attorney: _____

Case # _____ Defendant: _____

Prosecuting Attorney: _____

Defense Attorney: _____

Case # _____ Defendant: _____

Prosecuting Attorney: _____

Defense Attorney: _____

Appendix A Objections

The purpose of an objection is to present the judge with a rule of evidence that bars an answer to the questions asked (or results in striking from the record the answer, if already given.) When making an objection, you should always rise to address the judge.

An attorney may object any time the opposing counsel has violated the Rules of Evidence. The attorney making the objection should stand up at the time of the violation and state the reason. The judge will turn to the attorney who raised the objection, requesting rationale for the objection. The judge will then turn to the attorney who asked the question and give him/her a chance to explain why the objection should be overruled. The judge will then decide to sustain the objection, thereby disallowing the question or discarding the answer; or the judge will overrule the objection, thereby allowing the question to be answered or the answer to remain on the court record.

Following are some common examples of objections:

1. Irrelevant Evidence

If an attorney asks a question that does not pertain to the defendant's case, the question would be irrelevant. "I object, Your Honor. This testimony is irrelevant to any issue in this case."

2. Leading Question

If an attorney asks a question that states a conclusion or prompts an answer of "yes" or "no", it is considered leading. "Objection, Your Honor. Counsel is leading the defendant." (Note: Leading questions may be asked by opposing counsel.)

3. Improper Character Testimony

"Objection, Your Honor. Only the defendant's character for truthfulness is at issue here."

4. Hearsay

Hearsay is second-hand evidence; facts not in the personal knowledge of the defendant, but a repetition of what others said that is used to prove the truth of what others said. "Objection, Your Honor. Counsel's question is seeking a hearsay response." (Or, if the hearsay response has already been stated, the attorney should object the following: "Your Honor, the defendant's answer is based on hearsay. I ask that the statement be stricken from the record.")

5. Ambiguous/ Vague/ Confusing

If an attorney asks a question that is not clear and specific, so much so that the defendant does not understand what is being asked, the question would be ambiguous/vague/confusing. "Objection, Your Honor. The question is confusing. I request that counsel restate the question."

6. Asked and Answered

If an attorney asks the same question twice, or two different questions that require the defendant to give the same answer, the question would be repetitive and considered, “asked and answered.”

7. Multiple/ Compound Questions

If an attorney asks more than one question at a time, the opposing counsel should object on these grounds. An example of a multiple question would be, “Why did you leave school early, where did you go and what did you do?” The defendant would need to give three answers in order to completely answer that question. “Objection, Your Honor. Counsel is asking the defendant a compound question.”

Appendix B Rules of Evidence

The Rules of Evidence for School Court are guides for the type of testimony and evidence that may be permitted during a School Court session. They are designed to provide some structure for the program.

1. The judge has sole discretion to decide what evidence will be heard and seen. A student attorney should never argue with the judge about a ruling.
2. Physical evidence is actual tangible evidence that directly relates to the offense in the case. Examples of relevant physical evidence are:
 - A. Photographs of the scene of the offense and/or photos of the repairs made by the defendant
 - B. Drawings of the scene of the offense
3. To introduce physical evidence, the student attorney must adhere to the following procedure:
 - A. The student attorney must introduce the evidence during either the direct or cross examination.
 - B. Before introducing the evidence, the student attorney should establish a foundation for the introduction of the evidence. To establish a foundation, the student attorney should ask the youth offender questions about the evidence for the purpose of identification.
 - C. After the defendant has described the evidence, the student attorney will state, “Your Honor, I would like to introduce (*the photographs*) into evidence.
 - D. The judge will ask the opposing counsel if s/he has any opposition to the evidence. The opposing student attorney should object to evidence that is irrelevant, misleading or prejudicial.
 - E. The Judge determines whether the evidence is admissible or inadmissible. If the judge rules the evidence to be admissible, the introducing attorney may show it to the jury. If the judge rules the evidence to be inadmissible, the introducing attorney may no longer use the evidence in any way.

Appendix C Vocabulary

Admission	A voluntary statement that a fact is true.
Aggravating Factors	Circumstances that add to the seriousness of the offense and to the responsibility of the respondent. For example, the respondent smashed in six car windows instead of stopping after one. Also consider the lack of responsibility or foresight, use of poor judgment, the use of alcohol or drugs, how much damage was caused, and/or the day of the week and the hour of the day the offense occurred.
Bailiff	The Bailiff calls the court to order and directs people to their proper seating areas. In addition, the Bailiff assists the judge and School Court Coordinator in maintaining order at all times.
Closing Argument	Statement summarizing the evidence one side feels it has established and what that side feels opposing counsel has failed to establish. Both sides make a closing argument. In School Court, the closing argument includes a recommendation for what each side considers to be a fair disposition of sanctions .
Complaint	In juvenile court, a complaint is called a petition.
Confess	A defendant's statement of guilt as to the offense charged.
Confidentiality	When a matter is treated privately and is not discussed or revealed to others. An issue that is intended to be kept <i>secret</i> .
Contract	An agreement between two or more people under which each becomes obligated to the other to perform some specific or affirmative act.
Court Clerk	The role of the court clerk is to assist with the sign-in process of School Court participants, call the cases, swear-in respondents, publish (read) the Jury Findings Form and complete other essential administrative tasks.
Crime	An act that violates a penal/criminal law, which is considered a crime against the state or country.
Criminal	A person who has been found guilty of breaking a law.
Criminal Action	The legal proceeding against a person who has been charged with breaking a law/committing a crime against the state. For example, in a criminal action it is the State of Maryland v. the Defendant.

Cross Examination	The questioning of a witness by the opposing party. In School Court, the only person called is the respondent, who has already admitted involvement (guilt). There are no other witnesses. Only the prosecuting attorney conducts a cross-examination.
Custodians	A person or agency to whom the Court has given legal custody of a child, other than the child's parent or legal guardian.
Defense Attorney	The lawyer who represents, prepares and presents the evidence on behalf of a person accused of committing a crime.
Delinquent Act	An act that would be a crime if committed by an adult. The criminal act must be charged.
Delinquent Child	A child who has committed a delinquent act and requires guidance, treatment or rehabilitation.
Detention	The temporary care of children, who, pending court sanction, require secure custody for the protection of themselves or the community in facilities that administer physical restraints.
Direct Examination	The first questioning of a witness by the party on whose behalf he is called. In School Court, the only person called is the respondent, who has already admitted involvement (guilt), and there are no witnesses. Thus, only the Defense Attorney conducts a direct examination.
Disposition	In adult court, this is called the sentence. In School Court, this is the sanction of a case. It should include community service hours and number of jury duties. It may also include other sanctions such as: educational programs, apology letters, essays, etc.
Docket	The schedule of petitions (cases) to be heard at a court session. Information in the School Court docket includes respondent's name, offenses, and the order of cases for the session.
Due Process/Procedural	A defendant is guaranteed a fair criminal process. For example, a defendant must be notified of the charges against him/her.
Evidence	Information which is submitted to a court or jury for the purpose of proving or disproving certain facts at trial. Forms of evidence include: testimony of witnesses, and introducing documents, exhibits, records and other types of matter.
Expungement of Record	A record of a criminal conviction is destroyed.
Felony	A category or class of crimes that is considered very serious and which have serious penalties; i.e. homicide, rape, robbery.

Grand Jury	A School Court Model where jurors question the youth offender directly, rather than using teen attorneys. The judge can also ask questions and clarify statements made by the Youth Offender. A state or federal grand jury has the authority to indict a person for a crime.
Guilty	A defendant is found to have committed the crime beyond a reasonable doubt.
Incarceration	Confinement in jail, prison, or penitentiary.
Judge	The judge presides over the proceeding, rules on objections, instructs the jury on the law, and imposes sanctions according to jury recommendations.
Jurisdiction	The power and authority of a court to hear a case. Jurisdiction is determined by the location of the crime/cause of action, the nature of the case, and the age of the offender.
Jury	A group of people sworn to hear and decide the outcome of a case presented in court.
Juvenile	A person under the age of eighteen years; a minor.
Mediation	The process of settling a dispute between two or more parties with the assistance of a neutral third party to eliminate the need for a trial.
Misdemeanor	A category or class of crimes that is not considered as serious as felonies and which have less serious penalties. For example, trespassing, assault in the second degree, disorderly conduct, gambling.
Mitigating Factors	Circumstances that lesson the youth offender's involvement or the seriousness of the crime. For example, the youth offender is an honor student and has never been in trouble of any kind. He has demonstrated through his actions that it is very unlikely he will be in trouble again. Or, perhaps the punishment received at home or at school was sufficient.
Not Guilty	When a defendant is found not to have committed the crime beyond a reasonable doubt.
Objection	An attorney objects to prevent admission of improper evidence, or objects to the manner in which otherwise proper evidence is presented.
Offender	A person who has been charged with breaking a law and committing a crime.

Offense	A felony or misdemeanor. An offense is a punishable breach of the criminal law and violations of the law for which a penalty is prescribed.
Opening Statement	Outline or summary of the case. It provides a general picture of facts. Both the prosecution and defense make an opening statement.
Overrule	The ruling of a judge after an objection finding that the evidence may be properly admitted.
Parole	Someone is conditionally released from jail or prison after serving part of a sentence and placed under supervision of a parole officer. Parole can be revoked if the person fails to observe the conditions made in the parole order and be sent back to jail or prison to serve the remaining term.
Party	In a civil matter, a person or entity who is named as either a plaintiff or the state. In School Court, the parties are the prosecution and offender.
Perjury	A crime whereby a person, under oath, knowingly makes a false statement about a material (important) fact.
Petition	A charging document in juvenile court.
Plea	When a defendant responds to the criminal charges against him, either by admitting he/she committed the crime (guilty plea) or by pleading not guilty and requiring the state to prove its case against him/her beyond a reasonable doubt.
Plea Bargaining	Process by which a defendant and a prosecutor work out a mutually agreeable resolution to the case before trial or a verdict is reached. For example, when a defendant agrees to plead guilty to one charge in exchange for dismissal of another charge.
Postponement	A proceeding or hearing is delayed until a later time.
Prosecuting Attorney	The prosecuting attorney represents the State's position against the defendant. He or she also conveys the feelings and desires of the victim of the crime and the impact of the crime on the victim and on the community.
Regulatory	A controlling entity; an organization, government, or other entity that creates and imposes rules or laws on a body of people.
Respondent	The person charged with committing a delinquent act.
Restitution	The act of making good or giving equivalent for a loss or injury.

Sanction	The penalty a youth offender receives for an offense.
Sanction Hearing	A legal proceeding in court in which evidence is presented to determine the punishment the juvenile offender receives.
Severity of Facts	The seriousness of the circumstances of the case.
Statutory	Laws that are mandated by the State.
Sustain	The ruling of a judge in favor of counsel's objection.
Victims	Persons who are the subject of a crime or a tort. Persons who the court determines have suffered pecuniary damages as a result of the defendant's criminal activities; that person may be individuals, a public or private corporation, a government, partnership, or an unincorporated association.

Appendix D Lesson Plans

Title

No Vehicles in the Park

Objective

Upon completion of this lesson, students will be able to compare the letter of the law with the intent of the law in order to analyze how different interpretations of laws affect citizens.

Vocabulary

Intent, “Letter of the Law”

Materials

Overhead transparency of No Vehicles in the Park
Prompt of the 8 scenarios for group activity

Lesson Development

(1) Review/Motivation

- a. Pose the following situation to students.
There is a law that says drivers who are under the age of 18 and who have been driving for less than one year, may not drive between the hours of midnight and 5a.m. You are 17. Can you drive after midnight?
Student Responses may include:
 - “No, the law says you can’t.”
 - “It depends.”
- b. Students should generate a list of scenarios where this law might be bent to accommodate different circumstances.
- c. After a few minutes of discussion, ask students: “What if you knew and understood the intent of the law? Do you think that would make a difference?”

(2) Activities

- a. Explain to the students that they are going to examine a law today where there is some potential for different interpretations of the intent of the law as well as the letter of the law
- b. Define these terms for the students (or generate discussion in order to reach a consensus on the definitions).
- c. Project an overhead of No Vehicles in the Park.
- d. Direct the students to read the scenario, and in small groups, analyze each situation.
- e. Students should decide how the law should be interpreted in each scenario. Student should be prepared to justify their rationale for each decision.

(3) Conclusion/Closure

Debrief the activity with students by reading each scenario and allowing for discussion. Keep a record of the number of students who voted for the intent vs. the letter of the law.

Thoughtful Application of Knowledge

Ask students to develop a list of rules/laws that affect them in their school or community.

Students should choose one of the rules/law and develop a list of situations when the rule or law may be interpreted based upon the intent and based on the “letter.” Students should consider how this impacts decisions and cases handled by School Court.

No Vehicles in the Park

The town of Beautifica has established a lovely park in the city. The city council wished to preserve some elements for nature undisturbed by city noise, traffic, pollution, and crowding. It is a place where citizens can go and find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted:



The law seems clear but some disputes have arisen over the interpretation of the law.

Directions: How does the law apply to the following situations? Interpret and apply the law in the following cases; give consideration to the **letter of the law** as well as the **intent of the law**. On the following sheet of paper, record your group's responses. Be prepared to discuss your rationale.

1. John Smith lives on one side of the town and works on the other side. He will save 10 minutes if he drives through the park.
2. There are many trash barrels in the park so that people may deposit all litter there, thereby keeping the park clean. The sanitation department wants to go in to collect the trash.
3. Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect car and trap him between the patrol cars.
4. An ambulance has a dying car accident victim in it and is racing to the hospital. The shortest route is through the park.
5. Some of the children who visit the park want to ride their bicycles there.
6. Mrs. Thomas wants to take her baby to the park in his baby buggy.
7. A monument to the town's citizens who died in the Vietnam War is being constructed. A tank, donated by the government, is to be placed beside the monument.
8. Several of the town's citizens have made a living for several years by driving people around scenic spots in the city in an old-fashioned horse and buggy. They want to drive people through the park.

Title

Youth Accountability for Crimes

Objective

Students will participate in a discussion/debate about the juvenile justice system and investigate issues surrounding the “age of accountability”.

Materials

Copies of the article: *Boy Who Killed Teacher is Found Guilty of Murder*.

Copies of the informational attachment: *History of Juvenile Justice*

Note: You may wish to locate other articles that highlight a range of outcomes for youth charged with the same crimes for comparison purposes.

Lesson Development

(1) Review/ Motivation

Recent murders and other egregious crimes committed by children in our country raise the question, “How old must a child be to be held accountable for his or her actions in the eyes of the court system?” One may also question how old a child must be to distinguish “right” from “wrong.”

(2) Activities

a. Students should have read for homework the articles, *Boy Who Killed Teacher is Found Guilty of Murder* and *History of Juvenile Justice*. Have students respond to the following questions either in class or as part of their homework:

- Do you feel that the boy in the article received a just punishment for his crime?
- Should children be held accountable for their crimes and be tried as adults? Explain.
- At what age do you think that a child who commits a crime knows and understands that what he or she did was wrong? Why?
- In terms of Youth Courts, such as the one implemented here at our school, how effective do you think “alternative” or “diversionary” programs are for youth? What types of crimes should be heard before youth courts?

b. Students will then participate in a roundtable discussion or a debate of the following: What do you believe to be “the age of reason” and responsibility for children? When are children able to control their impulses to do right or wrong? When is a child fully accountable/ liable for his or her actions? Students should be prepared to defend their arguments.

(3) Thoughtful Application of Knowledge

a. You may also wish to identify articles or ask students to research juvenile justice practices in other countries; then, have them apply that information to the abovementioned case to decide how the youth would be charged in other countries. Have students respond to the following: How does the United States measure up to other countries in terms of fairness and due process for youth?

b. Students can discuss and debate the following issues:

- Juvenile rights (constitutional cases should be researched)
 - Parent accountability for crimes committed by their children (i.e. truancy)
 - Trying children in adult courts
 - Existence of the juvenile courts and whether they are working
- c. Students can research the differences between juvenile and adult courts and present findings to the class
- d. The class can create a survey about the issues discussed in class, distribute surveys to the school, analyze the results, and print findings in the school newspaper or in a display area in the school.

May 18, 2001
Boy Who Killed Teacher Is Found Guilty of Murder
By DANA CANEDY

Boy Who Killed Teacher Is Found Guilty of Murder

WEST PALM BEACH, Fla. May 16 — A jury convicted a 14-year-old boy of second-degree murder today for fatally shooting his favorite teacher. But the jury decided not to find the boy, Nathaniel Brazill, guilty of the most severe charge he faced, first-degree murder, thus sparing him a mandatory sentence of life in prison without parole.

Nathaniel faces a sentence of 25 years to life in prison, though his lawyer, Robert Udell, said the judge could sentence him to "anything from zero to life." Nathaniel was also convicted of aggravated assault with a firearm for aiming the gun at another teacher and faces a sentence of up to five years for that offense.

Nathaniel, who was 13 at the time of the shooting, is the second 14-year-old black boy in South Florida in five months to be tried as an adult for first-degree murder. The first, Lionel Tate, was convicted of first-degree murder in January and sentenced to life for beating a 6-year-old playmate to death; he now awaits a clemency hearing.

Lionel's case drew national attention to laws that make it easier to try juveniles as adults.

Mr. Udell, who fought during the two-week trial to keep his client from facing the same fate as Lionel, declared only a partial victory.

"We won a little battle today," he said after the verdict. "We thought it should be manslaughter, but apparently the jury disagreed with us."

As the verdict was read, Nathaniel, who was composed during most of the trial, frowned and, soon after, leaned to speak to his lawyer.

"He turned to me and said, 'Not too bad,' " Mr. Udell said, adding that his client did not fully realize the sentence he faced.

But after being led out of court, Mr. Udell added, "He cried; he was very upset."

The family of the victim, Barry Grunow, 35, a popular English teacher at Lake Worth Middle School, was grim but silent when the verdict was read and left without comment.

The prosecutor, Marc Shiner, said he was satisfied.

"The jury returned a verdict that was just and right," Mr. Shiner said.

Nathaniel killed Mr. Grunow after he was suspended from school for throwing water balloons last May 26, the last day of classes. The boy returned with a .25-caliber handgun and shot Mr. Grunow

after the teacher refused to let him into his classroom to say goodbye for the summer to two girls.

A juror, Antonia Kennedy Sellier, reached at her home in Delray Beach, said jurors decided to convict Nathaniel of second-degree murder instead of first-degree, which requires premeditation, after "a lot of discussion, soul-searching and reinvestigating testimony to see anything indicating first-degree murder."

Ms. Sellier said that, at the start of their deliberations on Monday, jurors polled themselves to see whether they favored conviction on first or second-degree murder; it was, she said, "split down the middle."

She said jurors never considered lesser charges and concluded that the killing was neither premeditated, as the prosecutor insisted, nor an accident, as the defense claimed.

Testifying last week, Nathaniel said he pulled the gun on his teacher to show he was serious about getting his way but claimed he never intended to kill Mr. Grunow.

In closing arguments, Mr. Shiner, an assistant state attorney, told jurors that Nathaniel's acts were not those of a boy whose prank went seriously wrong, but of a calculated killer who knew what he was doing.

"This is not the act of a child," Mr. Shiner said. "This is the act of a person determined to get what he wants at all cost."

But the jury agreed with Mr. Udell, who said that Nathaniel was guilty of a crime, but not of first-degree murder. "He did not expect the gun to go off," Mr. Udell said. "He thought the safety was on." Both the Brazill and Tate cases have prompted debate about trying of youthful offenders as adults, with critics demanding that Florida reevaluate its juvenile-justice laws.

On Monday, State Senator Walter Campbell, a Democrat on the Legislature's Commission on Capital Cases and former vice-chairman of the Senate Criminal Justice Committee, called for changing Florida's laws on handling violent, youthful offenders.

A spokesman for the human rights organization Amnesty International, which had monitored both cases, said the group would write Gov. Jeb Bush urging an overhaul of Florida's policies concerning juvenile offenders.

Jim Lewis, the lawyer for Lionel Tate, said today that the outcome of the Brazill trial was perhaps an indication of at least one jury's reluctance to send violent youthful offenders to prison for life.

"It's a partial rejection of putting children this young in adult court," Mr. Lewis said, adding: "It bodes well for Lionel. It hopefully will make more sense for the governor and the cabinet to commute Lionel's sentence."

Mr. Udell said he was hopeful that his client would not be sent to prison for life when Judge Richard Wennet sentences him on June 29.

"We don't expect this judge to pound on Nathaniel," Mr. Udell said.

The History of Juvenile Justice

Should children be treated the same as adults when they commit a crime? Should they be subjected to a different set of sanctions altogether? These questions have plagued society for centuries.

Throughout most of history, the aberrant child was usually handled by the family. Under English Common Law, children under 7 were thought to be incapable of knowingly committing criminal acts. Juries in England and Colonial America often acquitted youths up to age 14 rather than subject them to the same punishments that adults received. There were certain times, however, when youths were not exonerated, and were in fact, subjected to sentences as adults: whippings, imprisonment with adult convicts, and execution.

In the 1820s, juvenile crime grew rapidly in the United States. Immigrants were flocking to the cities. Living in crowded tenements, immigrant children often took to the streets. Gangs of young thieves and vandals roamed the streets of New York, Boston, and other cities. Reform-minded individuals concluded that many poor city-dwelling immigrant families could neither care for nor control their children. This sentiment set into motion a "child saving" reform movement that lasted throughout the rest of the century.

The Institutional Solution

Beginning in 1825, charitable groups, like the Society for the Reformation of Juvenile Delinquents, founded "houses of refuge" in most of the nation's large cities. These institutions took in poor and orphaned children as well as young felons convicted in the criminal courts. In most cases, these early juvenile facilities operated on a daily schedule of schooling, work, prayers, and lockup at night. By 1850, however, houses of refuge had become little more than children's jails where beatings, escape attempts, and riots were common.

In the decade before the Civil War, some states opened tax-supported reform schools. Like houses of refuge, these schools mixed delinquent youths with neglected and impoverished children. Although the reformatories placed more emphasis on education than the old houses of refuge, work continued to be part of the daily routine.

Following the Civil War, most states set up reformatories to house dependent and delinquent juveniles. But by the 1890s, reformatories came under increasing public criticism. They were seen as depressing and sometimes brutal places that exploited children for their labor.

The Juvenile Court Movement

The turn of the century was a time of great political and social reform known as the Progressive Era. Among their many ideas, the Progressives believed that families, even poor immigrant ones, could help their delinquent children better than the large, impersonal reformatories. Progressives pushed for separate juvenile courts, which could give individual treatment to youngsters in trouble.

The first juvenile courts were established in Chicago and Denver in 1899. These courts brought together two experiments in juvenile justice. In New York, a few judges had been holding separate hearings for juvenile offenders, while in Massachusetts delinquent juveniles had been placed in a probation program. The new juvenile courts adopted both practices. These courts also assumed the responsibility of protecting neglected and abandoned children.

As special civil courts, juvenile courts did not decide guilt or innocence and determine punishment. Unlike criminal courts, juvenile courts were set up to discover the needs of the child and the underlying causes of his or her misbehavior. Juvenile delinquents were to be treated and rehabilitated, not punished.

So a judge could get to know the young person, the juvenile court system eliminated lawyers, strict rules of evidence, juries, and public hearings. Instead, a juvenile court judge would simply talk with the child, his or her parents, and a probation officer. Typical cases of delinquency involved stealing, assault and battery, sexual promiscuity (almost always just girls), truancy, cursing, cigarette smoking, or having "bad associations."

Although Progressive juvenile court judges still sent some delinquents to the state reformatory, they preferred to place most young offenders on probation with their family or a foster family. Thus, after nearly 100 years of institutionalization, delinquent children once again became largely a family responsibility.

The first juvenile probation workers were volunteers from charities and "child saving" societies. But by 1910, most states with juvenile courts had begun to hire full-time probation officers. These new professionals investigated the social and family background of troubled youths, resolved family problems, prepared reports for juvenile court judges, and supervised children (and sometimes their parents) on probation. For the most part, probation succeeded and led to a decline in commitments to the state reformatories.

The Progressive's idea of a separate juvenile court system spread rapidly. By 1925, all but two states had created juvenile courts. The special juvenile courts, which gave judges great powers to decide the treatment for juveniles, proved popular.

But the new juvenile court system had its critics. With no lawyers or due-process rights to protect juveniles, critics felt judges had too much power. In juvenile court, young people were at the mercy of the judge. Many judges acted wisely. But others acted on whim and prejudice. Critics decried the lack of legal protection for juveniles.

But young people remained without basic rights in many juvenile courts until 1967. In that year, the U.S. Supreme Court decided *In Re Gault* (387 U.S. 1). An Arizona juvenile court judge had placed Gerry Gault, 15, in a reform school for allegedly making an obscene telephone call. Gault was to be held until he reached age 21. In other words, he received a six-year sentence. The maximum adult sentence for this crime was a \$50 fine and two months in jail. Because Gault had been denied a lawyer, had not been allowed to cross-examine his accuser, and had not been informed of his right to remain silent, the Supreme Court reversed the decision to confine him. The court recognized the right of juveniles to have a lawyer and certain other due-process rights during juvenile court hearings.

Since the *Gault* decision, however, the Supreme Court has not extended all due-process rights to juvenile proceedings. The court has ruled, for example, that juveniles are not entitled to public trials or trial by jury.

Today, juvenile courts are changing once again. With juvenile violent crime rising, many states are trying violent offenders as adults. Some states have changed the purpose of juvenile court to include punishment as well as rehabilitation. Some critics demand harsher sentences for juvenile offenders. As juvenile courts grow more punitive, other critics are demanding that juvenile courts grant juveniles the same due-process rights as adult courts.

At the same time, juvenile courts are trying out new ideas like "teen court" to reach youngsters just starting to get into trouble. Originated in Odessa, Texas, in 1983, teen courts allow first-time juvenile offenders in minor cases to be sentenced by peer juries. Juvenile offenders who have admitted breaking the law are screened by the probation department and referred to teen court. The teen court holds a short hearing with students acting in the roles of lawyers, jurors, and other court officers. The presiding judge is a juvenile court judge or other adult, such as a school board member. The teen jurors only decide on what the penalty (called the disposition) should be.

Although teen court procedures differ from place to place, most follow a similar pattern. The student prosecutor questions the juvenile offender about what happened and argues for a maximum penalty. The student defense attorney uses questions to bring out mitigating facts like the offender's good school record and then argues for a minimum sentence. The juvenile offender himself is then given a chance to speak to the jury. The peer jurors decide on a suitable penalty, or disposition.

Offenders who satisfactorily complete their teen court sentence have their record expunged. Those who fail to comply are referred to the regular juvenile court. So far, the results of teen courts indicate that peer jurors are frequently tougher than juvenile court judges. Moreover, repeat offenders have been relatively few.

For Discussion and Writing

1. Before the invention of juvenile court in 1899, how did society deal with children who committed crimes?
2. In what ways did the Progressive juvenile court change the way juvenile delinquents were handled in the United States?
3. Do you think juvenile courts today should be changed or even abolished? Explain.

Title

Adversary Approach

Objective

Students will learn about the adversarial approach to justice as demonstrated in the American legal system. Students will compare and contrast this system with those of other countries.

Materials

Copies of the cases and role descriptions for students

Lesson Development

(1) Review/ Motivation

Ask students the following questions about justice systems:

- What are some words that come to mind when you think of our justice system?
- How does our justice system differ from those of other countries?
- What do you think makes our system better or worse than others?

Explain that the adversarial system of justice has four basic components:

(a) a neutral decision maker, either a judge or jury; (b) rules on the presentation of evidence; (c) rules about the procedures to be followed; and (d) two sides opposing each other where there is only one clear winner.

Every case that goes before a court of law discusses either an *issue of law* or an *issue of fact*, defining these terms as the following:

Issue of Fact: when a fact is maintained by one party and is opposed by the other in the pleadings; when the issue is the truth of the fact

Issue of Law: where evidence is undisputed and only one conclusion can be drawn; when the issue is how the law applies to the case

(2) Activities

- a. Display on the overhead the copy of role descriptions of judge/defendant/plaintiff. You may also wish to give students a copy of this handout for future reference.
- b. Divide students into groups of 3, and ask them to divide the roles of judge/plaintiff/defendant among them. Mention that they will each have a chance to portray each role.
- c. Explain that it is their job to read through each case and develop an argument for their side; if they are the judge, it is their job to listen to both sides and determine which side will prevail based upon the arguments given.
- d. Allow approximately 10 minutes per case and debrief at the end.

(3) Application of Knowledge/Assessment

- a. For homework, have students research the justice system of a country of their choice and prepare a summary outline for the next class. Students should prepare to discuss the information they find.
- b. Lead a class discussion of the “ideal system of justice”. How close does the adversarial system come to that ideal?

Role Descriptions

Judge:

The judge must see that both sides have a fair chance to present their cases. The judge should not interrupt or dominate the proceedings.

Plaintiff:

This person has accused the Defendant of doing or not doing something which s/he thinks is unfair. He is the one who has asked the court to hear the case. In a small claims court, the Plaintiff is asking the judge to make the Defendant pay him an amount of money (under \$500.) The Plaintiff speaks first.

Defendant:

This person has been accused by the Plaintiff. He has been summoned into court and is probably appearing against his/her will. He listens to the accusation and then either tries to prove it untrue or gives reasons to justify his actions.

Adversary Case Activity

Directions: Each of you will be assigned to the role of Judge/ Plaintiff/ or Defendant. After you complete each case scenario, rotate so that each of you has the opportunity to be each of the roles. Be prepared to share your decision for each case and your rationale.

Case I: The Babysitter

1. Plaintiff is the babysitter.
2. Defendant is the parent.
3. The Plaintiff agreed to babysit for the Defendant's two children for \$6.00 an hour. When the babysitter arrived, there were three children present. The plaintiff said nothing about an increased rate at that time but later demanded \$9.00 an hour when the Defendant returned home two hours later—claiming the rate of \$3.00 per child. The Defendant refuses to pay the additional \$3.00 per hour. Plaintiff sues.
4. What is the issue?
5. How would you decide? Explain your decision.

Case II: The Mountain Bike

1. The Plaintiff is the owner of a mountain bike.
2. Defendant is the owner of a bike repair shop.
3. The Plaintiff brought a bike into the shop when the gears didn't properly shift. The Plaintiff told the Defendant/ owner to fix the gears as much as possible, but specifically gave instructions not to do any repairs that would cost more than \$50. When the Plaintiff returned to pick up the bike, he found that the owner had installed a brand new gear shift and had sold his broken gear shift to a used bicycle parts company. The Defendant told the Plaintiff he owed \$90. The Plaintiff told the defendant that he would pay \$50 since that was the amount he had said he would pay. The Defendant said he must pay \$90 to get the bike. Plaintiff sues.
4. What is the issue?
5. How would you decide? Explain your decision.

Case III: The Comic Book

1. Plaintiff is a comic book collector.
2. Defendant is a classmate.
3. Plaintiff loans ten comic books to the Defendant for one week. The books are in very good condition and the Plaintiff warns the Defendant to be careful with them. The Plaintiff paid \$1.50 a copy for the books for a total of \$15.00. The Defendant returns five comic books in good condition, but the other five are torn and ripped. Plaintiff demands \$15.00 of the Defendant to cover the costs. Defendant refuses. Plaintiff sues.
4. What is the issue?
5. How would you decide? Explain your decision.

Case IV: The Newspaper Delivery Person

1. Plaintiff is the assistant to a newspaper delivery boy.
2. Defendant is the newspaper delivery boy.
3. Defendant became sick and asked his assistant, the Plaintiff, to deliver fifty papers. Plaintiff agreed to deliver the papers for \$10.00. The Plaintiff delivered the papers but did not place them in mail boxes or inside halls. Twenty five papers were ruined in the rain and the defendant refused to pay the \$10.00 to the Plaintiff. Plaintiff sues.
4. What is the issue?
5. How would you decide? Explain your answer.

Title

School Court Mock Trial

Objective

Students will be able to apply knowledge and conduct a mock school court hearing.

Materials

The classroom should be set up ahead of time to appear as a court. Refer to the courtroom diagram if needed. You may wish to prepare all relevant forms that would be used in a regular school court hearing so students can get acquainted with that process.

Lesson Development

(1) Review/ Motivation

The Mock Trial can be an effective exercise in critical thinking and decision-making as well as a means of giving participants direct experience with some of the ways in which our legal processes function in the United States. In addition, the use of Mock Trial will allow students to acclimate themselves with the process of school court. Students should be requested ahead of time to evaluate whether or not the procedures and processes, as established, are fair.

(2) Activity

- a. Students should be acquainted with courtroom procedures and roles of those present in the courtroom well in advance of the actual mock trial.
- b. Use the hypothetical case or one developed by your students. The case should incorporate issues or questions similar to those that will come before the school court.
- c. Students should be provided a statement of facts and relevant information about the case.
- d. Select participants to role-play the various people who will be involved in the trial, such as:
 - Judge
 - Jurors
 - Defendant
 - Defense Counsel
 - Prosecutor
 - Court Reporter
 - Bailiff
- e. Follow scripts provided, beginning on page 18.

(3) Thoughtful Application & Assessment of Knowledge

Students should critically analyze the proceedings of the Mock Trial to determine ways in which the process can operate more smoothly. Students should be prepared to discuss ways to improve the process in class.

**MOCK TRIAL #1
Student Referral
to School Court Hearing**

Student Name and ID Number (if applicable): Sandy Smith, #1267

Staff Complainant's Name: Ms. Kanen, History Teacher

Date of Offense: September 25, 2001 Time of Offense: 1:00 p.m.

Violation in Regulation Number: I-E, I-B

Description of Behavior (or attach conference card):

Sandy Smith was asked to go to the Principal's Office at approximately 1:00 pm when s/he refused to cooperate with the ongoing lesson during class. The teacher, Ms. Kanen, asked Sandy to stop joking with other classmates, as the behavior was disruptive to the class. Ms. Kanen made several requests for the behavior to stop, but Sandy continued. She says this type of behavior is exhibited repeatedly from Sandy during class.

Referring Administrator: Mr. Greg Jones, Vice Principal

Student Signature*: Sandy Smith

Date of Referral: September 25, 2001

*Signature of student indicates a pleading of guilty to the aforementioned charge(s) and a willingness to attend School Court in lieu of sanctions imposed by school administration.

Defendant's Background Information:

Name: Sandy Smith

Age: 16

Grade: Sophomore

Sandy has acquired a reputation for being the "class clown" and is often disruptive. Sandy has been referred to the Principal's Office 2 previous times this academic year for the same type of behavior. Sandy's guardian was notified after the second and third referral, but Sandy was not reprimanded at home for the behavior. Sandy served two afternoon detentions for punishment by the school. Sandy does not appear very remorseful.

MOCK TRIAL #2
Student Referral
to School Court Hearing

Student Name and ID Number (if applicable): Gerry Lowe

Staff Complainant's Name: Mr. Perry

Date of Offense: September 26, 2001 Time of Offense: 9:00 a.m.

Violation in Regulation Number: II-B, I-C

Description of Behavior (or attach conference card):

Gerry Lowe was referred to the Principal's Office for making threatening comments towards another student and for punching a locker. Gerry was overheard by several students and two teachers in the hallway, making statements such as, "Get out of my way if you know what's good for you" and "You don't want to mess with me today." Gerry then proceeded to punch a locker, denting it. Damage is estimated at 190.00 because the locker door has to be replaced.

Referring Administrator: Ms. Tanner, Principal

Student Signature*: Gerry Lowe

Date of Referral: September 26, 2001

*Signature of student indicates a pleading of guilty to the aforementioned charge(s) and a willingness to attend School Court in lieu of sanctions imposed by school administration.

Defendant's Background Information:

Name: Gerry Lowe

Age: 17

Grade: Senior

Gerry has been visibly distraught for the last several days. When asked the reason for this, Gerry explained that home life had been rotten lately and his/her parents were getting a divorce. Gerry also has an important quiz today and wasn't able to study for it the previous night. Gerry is not known as a trouble-maker and is relatively quiet in school. Gerry is a good student—has a "B+" grade average, good school attendance, and has been on the basketball team each year. Gerry has never previously been referred to the office.

MOCK TRIAL #3
Student Referral
to School Court Hearing

Student Name and ID Number (if applicable): Alex White

Staff Complainant's Name: Mr. Ranger

Date of Offense: September 29, 2001 Time of Offense: 9:45 a.m.

Violation in Regulation Number: II-D (attempted)

Description of Behavior (or attach conference card):

Alex White was referred to the Principal's Office when she was caught breaking into the locker of another student and removing a textbook. When confronted, Alex stated that it was her/his textbook. When the other student was involved, however, she was able to prove that it was indeed her textbook—and not Alex's.

Referring Administrator: Ms. Tanner, Principal

Student Signature*: Alex White

Date of Referral: September 29, 2001

*Signature of student indicates a pleading of guilty to the aforementioned charge(s) and a willingness to attend School Court in lieu of sanctions imposed by school administration.

Student Background Information:

Name: Alex White

Age: 15

Grade: Freshman

Alex is an average student both grade and attendance-wise. Alex stated as part of his/her explanation, that s/he was trying to be “initiated” into a group here at school. Before one is a “member”, you have to plan and complete a theft against someone at the school. Upon learning that Alex had done this, his/her parents imposed a one-month punishment that excludes telephone, television, or computer-use (except for schoolwork). Alex was also not allowed out with friends and told to come directly home from school in the afternoon. Alex appears somewhat apologetic—but has not apologized to the “victim”. Alex still wants to join this group.