

Fairness and Freedom: the video

The complexity and mystique of the court system exists to insure that all parties brought to the court system receive fair treatment.

This videotape, "*Fairness and Freedom*", will explain the court system through a hypothetical case involving careless driving. Much of the information presented in the videotape is considered in more detail in the lessons that follow. The videotape might be used as an introduction to the court system or as a way of reviewing information learned through this curriculum.

This curriculum is not dependent on the use of the videotape.

Students will:

1. Understand the function of the courts in resolving conflict.
2. Know the difference between criminal and civil cases.
3. Understand the steps in a trial.

Materials needed: Copy of "*Fairness and Freedom*," video available from the Minnesota Center for Community Legal Education.

Time needed: 1 class period

Grade level: Grades 5-12

Procedure:

1. Begin the lesson by asking students to brainstorm all that they know about courts and trials. Record for later reference.
2. Ask students to identify questions that they have.
3. Play videotape. The program runs approximately 25 minutes.
4. Near the end of the videotape, the jury for the trial will retire to decide a verdict. This presents an excellent opportunity to stop the tape and ask students to vote guilty or not guilty. Discuss the reasons for their verdicts.
5. Complete the videotape. At the end of the program, the defendant will be served with a summons and complaint for another trial. At this point, it is explained to the defendant that he completed the criminal trial but is now subject to a civil lawsuit. Take this opportunity to explain to the students the difference between criminal and civil trials.

Procedure cont.

Criminal trials result when a person has been accused of criminal behavior by an agent of the state (city attorney, county attorney, attorney general). Criminal behavior means that the person is charged with breaking a law that is a crime. The Minnesota Legislature writes many laws every year. Only a few of these laws result in criminal action when they are not obeyed. Characteristics of a criminal statute include: state agent will prosecute (instead of a citizen), possible penalties include jail or prison time, and the statute calls the behavior a crime.

The same behavior or incident might result in both a criminal trial and a civil trial. The state will charge the defendant with a crime and will seek a fine or imprisonment (*criminal case*), and the injured party will sue the defendant for damages (*civil case*). In the case in the video, the defendant is charged with the crime of reckless driving and is charged with destroying the couple's property.

6. Review the brainstorm and student questions. Was any of their knowledge incorrect? Were any of the questions answered?