

Teacher's Guide Third Edition



### Sponsored by the New Jersey State Bar Foundation

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he New Jersey State Bar Foundation is proud to release the third edition of the "Mini-Court Teacher's Guide" for grades K-2. This free booklet features one five-day lesson plan for grades K-1 and another for grade 2. The purpose is to help teach young children about the legal system. Prepared by New Jersey elementary school teachers and lawyers, the lesson plans are designed to be easy and fun to use in class.

Recently the Foundation produced a "Mini-Court Videotape" to be used as a teaching tool with this guide. In the 11-minute videotape, second-graders from the Cochran Academy in East Orange, N.J., enact "The Case of the Missing Puppy" beginning on page 10. The videotape is available for loan from the Foundation's Video Loan Library. To find out how to borrow this and other videotapes, see the "Resources" section on page 20.

The Foundation gratefully acknowledges the assistance of the following attorneys and educators who helped to prepare this booklet: John J. Henschel, Esq., Laura M. Le Winn, Esq., Andrea Boseman, Deborah Harvest, Marie Kenney, Lindsay Kielly, Joanne Pipala, Cynthia Schwartz, and Sherry Woodruff.

Mini-Court is sponsored by the **New Jersey State Bar Foundation** and is made possible by funding from the IOLTA Fund of the Bar of New Jersey. Questions about Mini-Court should be directed to Law-Related Education Coordinator Sheila Boro at **732-937-7519**.

The Foundation provides a variety of free, law-related education services to the public. Our seminars, publications and Video Loan Library offer information on many legal topics. The Foundation's Speakers Bureau fills requests for attorneys to speak to school and community groups. The Foundation also sponsors the Vincent J. Apruzzese High School Mock Trial Competition; Law Fair Competition for grades 3 to 6; and its middle-school counterpart, Law Adventure for grades 7 and 8.

For more information, call the **New Jersey State Bar Foundation** toll-free at **1-800-FREE LAW**.

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# Mock Trial Exercise for \* Grades K - 1 \*

#### FOLLOWING IS A FIVE-DAY LESSON PLAN FOR THIS ACTIVITY:

#### Goal

To familiarize students with the criminal justice legal process.

#### **Objectives**

- 1. Demonstrate understanding and use of vocabulary within the process.
- 2. Introduce simple legal concepts.
- 3. Identify roles within the process.

#### DAY 1

#### Introduction

Obtain a copy of the fairy tale of "Goldilocks and the Three Bears" from your local library. Read and/or role-play the story with the class.

#### Big Group Discussion

Define the word "crime." (See "Glossary of Legal Terms" on page 16.) Then discuss the following questions:

- 1. Was a crime committed?
- 2. Who committed the crime? Did Goldilocks do anything wrong? Did the Three Bears do anything wrong?
- 3. What if the state took Goldilocks to court?

#### DAY 2

#### The Legal Process

Work on vocabulary of simple legal terms. (See glossary.) Discuss the meaning of the following words: court, trial, judge, lawyer or attorney, prosecutor, law/rule, jury, lawsuit. Make signs for some of the jobs in the criminal justice legal process such as judge, lawyer, prosecutor and juror and ask the children to wear them as you discuss these questions:

- 1. What is a trial?
- 2. Who takes part in a trial?
- 3. What kinds of rules must be followed in a trial?

#### DAY 3

#### Two Sides

Why is Goldilocks on trial? The prosecutor will try to prove that she broke into and entered someone's home without permission, that she stole the Three Bears' food and damaged or vandalized their property. The defendant, Goldilocks, will explain her viewpoint: the door was open, she was tired, hungry and desperate.

As a group, brainstorm questions to ask Goldilocks and one of the Three Bears about the incident.

#### DAY 4

#### The Trial

Conduct a simple trial with two witnesses: Goldilocks and one of the Three Bears. The teacher will pose the questions developed on Day 3 to Goldilocks and the Bear. After the questioning of the witnesses is over, the class will be the jury. The students must decide if Goldilocks is guilty or not guilty of breaking and entering, stealing and vandalism. If the members of the jury decide that she is guilty, they must decide what her sentence is, i.e., how can she make this up to the Three Bears?

#### DAY 5

#### **Summary**

Debrief students on the legal process as they experienced it over the last four days. Discuss applications to other stories and to real-life experiences.

Explain basic concepts such as:

- $\star$  doing the right thing;
- $\star$  being responsible for your actions;
- ★ asking forgiveness for doing the wrong thing;
- ★ making amends; and
- **★** accepting consequences for your actions.

Discuss the students' roles as jurors, i.e., deciders of the facts, when there is more than one version of what happened.



# Mock Trial Exercise for Grade 2

FOLLOWING IS A FIVE-DAY LESSON PLAN BASED ON "THE CASE OF THE MISSING PUPPY" (SEE CASE ON PAGE 10):

#### Goal

To familiarize students with the civil justice legal process.

#### **Objectives**

- 1. Students will demonstrate understanding and use of vocabulary associated with the legal process.
- 2. Students will be introduced to simple legal concepts.
- 3. Students will identify roles within the process by performing a mock trial.

#### DAY 1

#### Introduction

The teacher will read the fact sheet of the case (see page 10). Students could role-play the witness testimonies.

#### **Big Group Discussion**

Begin by defining "complaint," "lawsuit" and "verdict".

- 1. Who is accused of being at fault?
- 2. What is she accused of doing?
- 3. Who has accused Amanda and what do they want her to do to make up for it?
- 4. Who is most at fault? Students may list on a chart what Amanda did right or wrong. Then list what the Greens did right or wrong.



#### **AMANDA**

#### THE GREENS

RIGHT	WRONG	

IGHT	WRONG
	IGHT

#### DAY 2

The Legal Process

Define "court," "trial" and "jury".

The Greens brought Amanda to court where a trial will settle their disagreement.

Describe the people who take part in a trial of this kind. Explain their jobs (refer to glossary on page 16 in this booklet). Identify the following participants who play these roles in our case:

- **★** plaintiff
- ★ plaintiff's lawyer
- **★** defendant
- **★** defense lawyer
- **★** witnesses
- **★** judge
- **★** jury
- ★ court clerk
- ★ sheriff's officer

Teachers may wish to make signs with these words. The signs may be worn by the respective players in the mock trial later in the week, or displayed on a desk near them at that time.

#### DAY 3

Planning the Trial: Option 1 (Student Created)

Students will create two opening statements and two closing arguments. They may refer to the fact sheet on page 10 and the "right and wrong" chart. The following questions may also be used to probe their thinking:

#### Plaintiff's Lawyer

1. In what ways is Amanda to blame? (Should have noticed that the rope wasn't strong, should have closed the fence gate, should have kept the dog inside, shouldn't have let the four children into the house....)

#### Defense Lawyer

- 1. In what ways are the Greens to blame? (Provided weak rope, asked too much responsibility from a 13-year-old, didn't bother to check references....)
- 2. In what ways was Amanda a responsible girl? (Careful with Mrs. Castle's dog, gave her first priority to the child, followed the Greens' instructions....)

Planning the Trial: Option 2 (Using Model Provided)
Students will discuss the following model. They may wish to add their own ideas.

Model Opening Statement -- Attorney for the Plaintiff Good morning, ladies and gentlemen of the jury. My name is \_\_\_\_\_ and I am the lawyer for Mr. and Mrs. Green. In this case, we will prove that Amanda Barber was not careful and did not do the things she promised the Greens she would do. She lost their dog Spot and she is to blame.

Model Opening Statement -- Attorney for the Defense

Ladies and gentlemen of the jury, my name is \_\_\_\_\_ and I
represent 13-year-old Amanda Barber. We will prove that Amanda is a
very careful baby-sitter. We will also show that the rope the Greens gave
her was worn-out and was not strong enough to hold Spot.

#### Model Closing Argument -- Attorney for the Defense

Ladies and gentlemen of the jury, the plaintiff did not prove that Amanda was careless. Mrs. Castle testified that Amanda was careful with her dog. She put Spot outside like she was supposed to, but the Greens gave her a worn-out rope. She is **not** responsible for losing Spot.

#### Model Closing Argument -- Attorney for the Plaintiff

Ladies and gentlemen of the jury, by listening to the evidence today, you should decide that Amanda Barber was **not** paying attention to Spot, and **never** checked on the dog while he was tied outside. She should pay for a new puppy for the Greens.

#### DAY 4

#### The Mock Trial Setup

- 1. Choose the participants.
- 2. Distribute:
  - ★ participants' role sheets (may be glued on back of cards);
  - ★ courtroom diagram; and
  - **★** case scripts.
- 3. Rehearse.

#### DAY 5

#### The Mock Trial

- 1. Present trial.
- 2. Reach verdict.
- 3. Debrief students on the legal process.
- 4. Explain basic concepts such as:
  - ★ doing the right thing;
  - ★ being responsible for your actions;
  - ★ asking forgiveness for doing the wrong thing;
  - ★ making amends; and
  - $\star$  accepting consequences for your actions.

Discuss the students' roles as jurors, i.e., deciders of the facts, when there is more than one version of what happened.



YOU MAY PHOTOCOPY THE ROLE SHEETS, CUT OUT THE VARIOUS ROLES, AND GLUE THEM TO THE BACK OF CARDS FOR THE STUDENTS.

#### AMANDA BARBER

Defendant

Witness for the Defense You are the defendant. You will also be a witness at your trial. You will explain what happened that day and will try to help your lawyer prove that this is not your fault.

#### MRS. GREEN

Plaintiff Witness

You are the plaintiff. You will also be a witness at the trial. You will tell how you feel about what happened. You will try to help your lawyer show that this is Amanda's fault.

#### MR. BROWN

Witness

You are Mr. and Mrs. Green's neighbor. Your job is to testify at the trial. You will tell what you saw on the day Spot disappeared. What you say will help the plaintiff's lawyer.

#### MRS. CASTLE

Witness

You are Amanda's Girl Scout leader. Your job is to testify at the trial. You will tell about how responsible Amanda was in caring for your dog. What you say will help the defense lawyer.

#### PLAINTIFF'S LAWYER

Lawyer

You are the plaintiff's lawyer. You represent Mr. and Mrs. Green. You will try to prove that this is Amanda's fault. You will need help from Mrs. Green and Mr. Brown.

#### **DEFENSE LAWYER**

Lawyer

You are the defense lawyer. You represent Amanda. You will try to prove that this is not her fault. You will need help from Amanda and Mrs. Castle.

#### COURT CLERK

You are the court clerk. Your job is to call the court to order. You will also swear in all of the witnesses.

#### SHERIFF'S OFFICER

You are the sheriff's officer. Your job is to protect the courtroom. You will also escort the witnesses to the court clerk when it is time to swear them in.

#### **JUDGE**

You are the judge. Your job is to be in charge of the court. You will make sure that everyone follows the laws of the court. You will charge the jury members with their responsibilities.



## \* More Mock Trial Roles in "The Case of the Missing Puppy"

PLEASE PHOTOCOPY THE FOLLOWING FOR ALL OF YOUR JURORS.

#### JURY FOREPERSON

You are a member of the jury. You will announce the verdict. You will also listen carefully to the case and decide if Amanda is at fault.

#### **JURY**

You are a member of the jury. Your job is to listen carefully to the case and decide if Amanda is at fault.

Here are the questions you must ask yourself:

- 1. Was Amanda **not** acting responsibly? (Negligence.)
- 2. Do you believe that everyone has told the truth? (Credibility of witnesses.)
- 3. Are you more than half sure that your decision is right? (Preponderance of evidence.)





The following case was prepared by teachers Diane Tassey and Arleen Hill and their third-grade class at Rolling Hills Primary School in Vernon, N.J. The class won an Honorable Mention in the New Jersey State Bar Foundation's Law Fair Competition in 1996. The case has been edited for use in this booklet.

#### **FACTS**

Mr. and Mrs. Green hired Amanda Barber, age 13, to baby-sit their son Mikey and their puppy Spot for the day. They told Amanda to play with their son, to make him lunch, and to be sure their dog was tied up outside for fresh air and exercise. While Amanda was preparing a sandwich for the child, the frisky dog tore his rope, broke free, and ran away. The Greens blame Amanda for carelessness and want her to give them the cost of Spot the Dalmatian.

#### **ISSUE**

Is it Amanda's fault that the dog got loose or is it the owner's fault for giving her a rope that wasn't strong enough to hold their dog?

#### WITNESSES FOR THE PLAINTIFF

Mrs. Green

Mr. Brown, her neighbor

#### WITNESSES FOR THE DEFENSE

Amanda Barber, baby-sitter and dog-sitter Mrs. Castle, her former Girl Scout leader

#### WITNESS STATEMENTS

#### Testimony of Mrs. Green

My husband and I needed a baby-sitter. We called Amanda Barber. She told us that she knew how to take care of children and pets. We told her to tie our new puppy Spot outside for a while so he could get some exercise. Later she told us that the rope was worn-out, and Spot got loose and ran away. Our Dalmatian was very expensive, and our son is very upset. This is all Amanda's fault! She should pay for a new dog.

#### Testimony of Mr. Brown, neighbor

On the day that the Greens' puppy was lost, I was looking out my window. I saw the little Green boy and his puppy playing outside in the yard. Soon, four children rode into the Greens' driveway on bikes. The baby-sitter let them come in. I saw that they forgot to close the gate. That's probably how the dog got out, but I didn't see it happen. Later I heard the baby-sitter call Spot, but she couldn't find him.

#### Testimony of Amanda Barber, sitter

I am 13 years old and a very good sitter for kids and pets. When I was at the Greens' house, I followed all their directions. I tied up their Dalmatian with the rope they left me. Then I went inside to make lunch for Mikey. While he was taking a nap, I went outside to get Spot, but he wasn't there. The worn-out rope had torn and he ran away. I looked all around for him, but I couldn't go far because Mikey was in the house asleep. I am very sorry this happened, but it is not my fault! The Greens should have given me a stronger rope.

#### Testimony of Mrs. Castle, Girl Scout leader

I am a Girl Scout leader. Last year Amanda Barber earned a Pet Care Badge by taking care of my dog for two weeks. She gave him food and water, she played with him and she gave him treats. It was easy for me to see that she cares for animals very much and would never harm them. I don't think she would do anything to cause someone's pet to be lost.

#### INSTRUCTIONS FOR TEACHER'S USE

The plaintiff, Mrs. Green, must show, by a preponderance of evidence, that Amanda Barber is at fault for the loss of Spot and is responsible for the cost of replacing him.

#### **SUB-ISSUES**

- 1. Are the Greens partly to blame for giving the baby-sitter a rope that wasn't sturdy enough?
- 2. Should Amanda have noticed that the rope wasn't in good condition and kept the dog indoors?



- 3. Did Amanda leave the fence gate open and does this make any difference?
- 4. Was Amanda's most important responsibility with the child or the pet?

#### **CONCEPTS**

- 1. Negligence (was Amanda not acting responsibly?).
- 2. Credibility of the witnesses (is everyone believable?).
- 3. Preponderance of evidence (more than half sure).

#### **LAW**

It is the parent's/owner's responsibility to provide the sitter with clear instructions and everything he or she needs to care properly for children or pets.

It is the sitter's responsibility to be sure that those they are in charge of are safe from harm or loss at all times.



### "The Case of the Missing Puppy"

All participants except the judge will take their places. Insert witness statements from the fact sheet where indicated. You may photocopy the witness statements and glue them on large cards for the students.

Court Clerk: We will now hear "The Case of the Missing Puppy."

All rise for the Honorable \_\_\_\_\_

(THE JUDGE ENTERS AND SITS.)

Judge: Will the plaintiff's lawyer please make his/her

opening statement to the jury.

Plaintiff's Lawyer: (Insert statement.)

Judge: Will the defendant's lawyer please make his/her

opening statement to the jury.

Defense Lawyer: (Insert statement.)

Judge: The plaintiff's lawyer may now call his/her first

witness.

Plaintiff's Lawyer: Your honor, I will first call the plaintiff, Mrs. Green.

(THE SHERIFF'S OFFICER BRINGS THE WITNESS TO THE COURT CLERK.)

Court Clerk: Do you swear or affirm to tell the truth, the whole

truth, and nothing but the truth?

Mrs. Green: I do.

Plaintiff's Lawyer: Mrs. Green, please tell us what happened.

Mrs. Green: (Insert witness statement.)

Mini-Court: Mock Trial Activities for Grades K-2

Plaintiff's Lawyer: Thank you, Mrs. Green. Your honor, next I will

call a neighbor, Mr. Brown.

(THE SHERIFF'S OFFICER BRINGS THE WITNESS TO THE COURT CLERK.)

Court Clerk: Do you swear or affirm to tell the truth, the whole

truth, and nothing but the truth?

Mr. Brown: I do.

Plaintiff's Lawyer: Mr. Brown, please tell us what you saw.

Mr. Brown: (Insert witness statement.)

Plaintiff's Lawyer: Thank you, Mr. Brown. The plaintiff rests,

your honor.

Judge: The defense lawyer may now call his/her first

witness.

Defense Lawyer: First I call the defendant, Amanda Barber.

(THE SHERIFF'S OFFICER BRINGS THE WITNESS TO THE COURT CLERK.)

Court Clerk: Do you swear or affirm to tell the truth, the whole

truth, and nothing but the truth?

Amanda: I do.

Defense Lawyer: Amanda, please tell us what happened.

Amanda: (Insert statement.)

Defense Lawyer: Thank you, Amanda. Your honor, next I will call

Mrs. Castle, Amanda's Girl Scout leader.

(THE SHERIFF'S OFFICER BRINGS THE WITNESS TO THE COURT CLERK.)

Court Clerk: Do you swear or affirm to tell the truth, the whole

truth, and nothing but the truth?

Mrs. Castle: I do.

Defense Lawyer: Mrs. Castle, please tell us about Amanda.

Mrs. Castle: (Insert statement.)

Defense Lawyer: Thank you, Mrs. Castle. That is all, your honor.

The defense rests.

Judge: We have heard the lawyers and all of the

witnesses. The lawyers will now give the jury their

closing arguments.

Defense Lawyer: (Insert argument.)

Plaintiff's Lawyer: (Insert argument.)

Judge: Ladies and gentlemen of the jury, you have heard

all the evidence and now it is time for you to decide whether or not Amanda Barber is at fault for the loss of Mrs. Green's dog, and whether or not she should pay to replace him. Before you decide, you

must ask yourself three questions:

1. Was Amanda **not** acting responsibly?

2. Do you believe that everyone has told the

truth?

3. Are you more than **half** sure that your

decision is right?

(JURY DELIBERATES.)

Judge: Ladies and gentlemen, have you reached a

decision?

Jury Foreperson: Yes, your honor (verdict is announced and reasons

may be given.)



### Glossary of Legal Terms,



Judge The person who is in charge of the court and

who decides questions of law.

Court The place where a trial is held or another way

of referring to the judge.

Civil Trial A way to decide who is right when people

disagree.

**Criminal Trial** A way to decide who is guilty of breaking the

Law Rules which we live by to keep us safe and free

and which help us to be fair and just.

Jury A group of people who listen to the evidence at

a trial and decide if the law has been broken.

Evidence Something which shows or proves a fact.

Verdict The decision made by the jury in a trial.

Witness A person who goes to court to tell the truth

about what he or she has seen or knows about

a crime or other situation.

Crime The act of breaking the law.

Lawyer or Attorney A person who represents a plaintiff or

defendant in court or outside of court in a

legal matter.

Lawsuit A case before a court.

Complaint A formal charge against someone made in

court, i.e., a claim that someone has done

wrong.

**Plaintiff** A person who starts a lawsuit.

Defendant A person who is being sued or accused of

breaking the law.

Prosecutor The lawyer who represents the state in a

criminal trial. This lawyer must show that the

defendant committed a crime.

Court Clerk The person who calls the court to order and

swears in witnesses.

Sheriff's Officer The person who protects the courtroom.



## Courtroom Diagram

BEFORE PARTICIPATING IN A MOCK TRIAL, IT IS IMPORTANT TO BE FAMILIAR WITH THE PHYSICAL SETTING OF THE COURTROOM, AS SHOWN BELOW.

**JUDGE** 

**COURT CLERK** 

**WITNESS STAND** 

**JURY BOX** 

**DEFENDANT'S TABLE** 

PROSECUTION OR PLAINTIFF'S TABLE

AUDIENCE SEATING

**AUDIENCE SEATING** 



Following are additional classroom activities based on grade level:

#### Grades K - 1

- ★ Stage a puppet show based on the "Goldilocks" trial. Instruct the children to color the pictures of Goldilocks and the Bear as provided. Cut out the figures and glue them to tongue depressors. The children may then use the puppets to act out the roles in the trial.
- ★ Make "Wanted" posters for Goldilocks. Color the posters and write why she is wanted on them. This should be done before the trial.
- ★ First-graders can also perform the "Goldilocks" trial as a class. Adapt the story and create your own script using the one in this booklet as a model. Students can play the roles of judge, lawyers, witnesses, court clerk, sheriff's officer and jurors. See the role sheets in this booklet.

#### Grades K - 2

- ★ Videotape your trial and lend the videotape to parents. Show the videotape to students at the end of the unit or in the second semester to reinforce concepts and vocabulary.
- ★ Create a poster to use as a teaching tool about the "Goldilocks" trial or "The Case of the Missing Puppy." Draw and identify pictures of the witnesses, lawyers, judges or facts involved in the case.
- ★ While it may not be suitable for young children to observe a real trial, teachers may wish to arrange a visit to a local courthouse to show the children what a courtroom looks like. Contact your county courthouse or local municipal court for a tour of an empty courtroom. Ask if a judge or



other court personnel would be available to explain the layout of the courtroom and to answer questions. Study the courtroom diagram in this booklet before your visit.

#### Grades 1 - 2

- ★ After the trial, distribute the word searches provided in this booklet to students.
- ★ Write your own trials based on fairy tales such as "The Three Little Pigs," "The Ugly Duckling," "Chicken Little," "Cinderella" or "Pinocchio," among others.
- ★ Consider preparing a trial script from a story or book that you are already using in class.
- ★ Adapt a case from the New Jersey State Bar Foundation's free booklet, "Mock Trial Exercises for Grades 3 6." The booklet features winning, student-written mock trials from our Law Fair Competition for elementary school students. To order, call 1-800-FREE LAW.



The New Jersey State Bar Foundation can provide the following videotapes on mock trials and conflict resolution through our Video Loan Library:

- ★ "Mini-Court Videotape," an 11-minute video produced by the New Jersey State Bar Foundation featuring second-graders from the Cochran Academy in East Orange, N.J., performing "The Case of the Missing Puppy" from this "Mini-Court Teacher's Guide" (for students in grades K-2, to be used as a teaching tool with the guide);
- ★ "Kids' Court," a one-hour broadcast sponsored by the New Jersey State Bar Foundation and the New Jersey Network (recommended for teachers only in order to learn about the legal process);
- ★ "Law Fair/Law Adventure Instructional Videotape," a 23-minute videotape produced by the New Jersey State Foundation featuring seventh-graders enacting an original mock trial case (for teachers' viewing only — not recommended for students in grades K-2);
- ★ "The Girl Who Cried Wolf," a 17-minute videotape which deals with First Amendment issues (for elementary grades, includes teacher's guide);
- ★ "We Can Work It Out! Conflict Resolution," a kit designed to help teachers introduce students to simple techniques to resolve conflicts (for grades K-2, includes a 14-minute video, a workbook, an audiotape with songs and a game); and
- ★ "Stop Teasing Me!," which encourages children to develop greater respect for others and to learn how to cope with being teased (for grades K-2, includes a 13-minute videotape, a workbook and an audiotape).

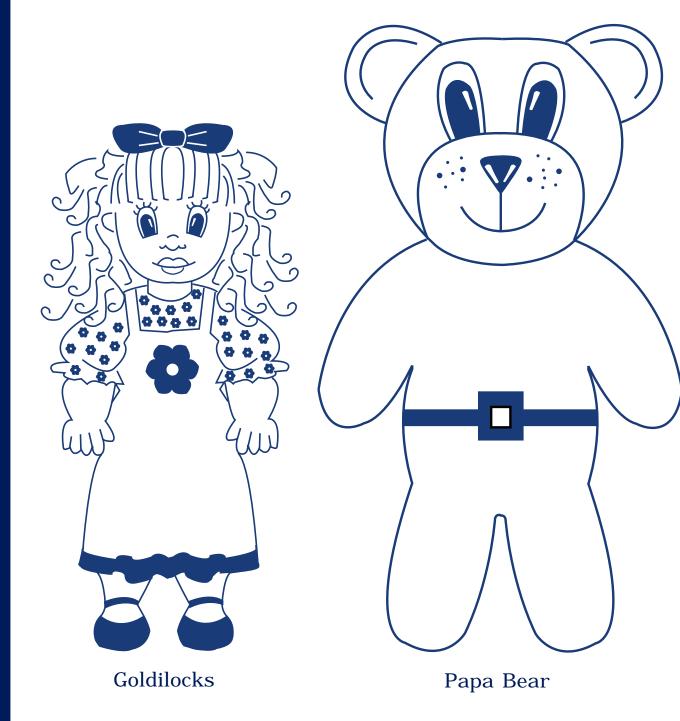
To borrow the videotapes, please send your request to Video Loan Library, **New Jersey State Bar Foundation**, One Constitution Square, New Brunswick, NJ 08901-1500. Your request must be accompanied by a refundable security deposit check in the amount of \$50 per videotape payable to the New Jersey State Bar Foundation. You may borrow each videotape for two weeks. QUESTIONS? CALL 1-800-FREE LAW.



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## \* Puppet Cutouts \*

Color and cut out the puppets. Glue them to tongue depressors.







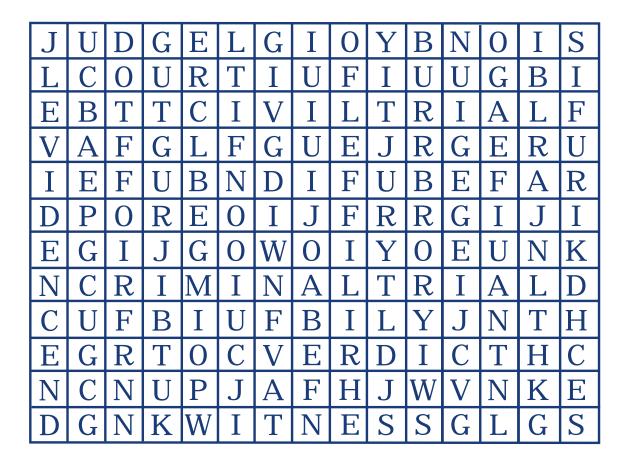
# \* Word Search \*

Study the "Glossary of Legal Terms" in this booklet. Then hunt for the words listed below.

CIVIL TRIAL **EVIDENCE VERDICT** 

**COURT JUDGE WITNESS** 

CRIMINAL TRIAL JURY



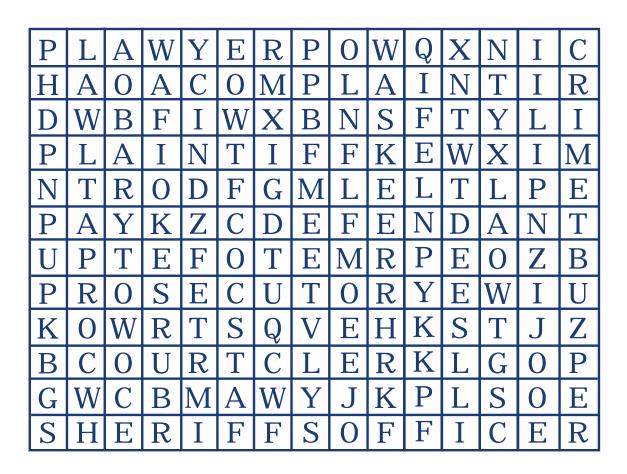


Study the "Glossary of Legal Terms" in this booklet. Then hunt for the words listed below.

COURT CLERK DEFENDANT PLAINTIFF

COMPLAINT LAW PROSECUTOR

CRIME LAWYER SHERIFF'S OFFICER







This certifies that

NAME OF STUDENT

has successfully completed the Mini-Court Program



DATE

TEACHER

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