



The Justice System and Connecticut's Young People

Curriculum Unit 95.03.01
by Joyce Bryant

I. Introduction: Aims of the Unit This unit is designed for seventh and eighth grade students to be used in Language Arts classes.

Its main focus will be on the juvenile justice system and the effect it will have upon the students in school and society at large. Also, it will focus on the Connecticut court system in order to acquaint students with knowledge of the state in which they live.

The crisis' we face today in school safety and discipline are the rights of an overwhelming percentage of students who come to school ready to work and learn, who show respect for rules and authority, who don't carry handguns, curse teachers, or terrorize their classmates and school staff.

We as educators can have wonderful curricula and assessments in place, but it will not matter if we do not meet basic, obvious common sense conditions that make schools safe, disciplined and orderly. The students whose opportunity for a good education is being destroyed by a relatively small percentage of students who flout rules and the rights of others need our assistance.

Our world has always been a busy and bustling place, inhabited by people of all kinds. Some are criminal, unscrupulous, and thoughtless. The law has always been necessary to guide and govern the conduct of human affairs so that everyone may have the chance to live in safety, to have wrongs righted, and to be treated fairly.

Today we in the United States live by a great complexity of laws, as do people throughout the world. Like all legal systems, ours touch every area of our lives. Laws differ from state to state. Under our governmental system states are permitted to enact their laws for their own use, especially criminal laws, with our federal laws being the only ones that cover the nation as a whole. Students will be able to concentrate on laws, questions and points that young people are known to ask most often and on those areas that seem to be of the greatest concern, such as school, work and any legal problem they may encounter. Finally, I will consider also young people's duties and responsibilities under the law.

Far too many youngsters end up in juvenile court not knowing what to expect or what it's all about.

Juvenile court is a special court that handles cases involving children who have committed crimes or who need the care and protection of society. Most of these courts deal with cases of delinquency or neglect. Most

delinquency cases involve children who have broken the law or who are difficult to control. Negligence cases involve children whose parents do not or can not care for them properly. The United States has an extensive juvenile court system.

Juveniles do not realize or take into account the results of their negative behavior. They continue their negative behavior without realizing that society will punish them. They are members of society with parents who do not fully shoulder their responsibility when it comes to their children.

Much attention has been given to the problems of schools as a product of our society. Violence in our society also produces violence in our schools. In a fundamental way, a society is also a product of its schools.

If we are to have a better society of young people our schools must continue to improve and impart knowledge at an early age to our very young in order for them to acquire knowledge and especially social skills. The heart of a school is the knowledge transmitted from teacher to student, be it social worker, teacher, psychologist, parents, and the like. Without this nothing else counts very much. Students need to be aware of the dangers in our society and taught how best to react in certain situations, especially negative ones. Their behavior and the results of their actions will follow them throughout their life. It will affect their future when they are ready to face the real and working world, and find that they are not the productive member of society that they want to be or that they thought they were.

Teachers can help students become productive members of society by first, becoming familiar with their students, familiar with what they know and are able to do, familiar with their ways of knowing and doing how best they might work to acquire new skills and construct new knowledge. Secondly, teachers can help students by knowing what they need to learn. That which a student needs to learn is individual. This student knows one thing, that student knows something else.

To almost every individual who works with young people, it is clear that our youth today face multiple problems. The main objective of this unit is exploration of student knowledge about the juvenile justice system so that we are able to give each student what he or she desires. Also as students learn how the system works, especially with direct personal involvement, it may help to create a positive self-image about themselves, stirring their sense of values as a member of society, and develop awareness of their problems and needs, as well as the problems and needs of others in society today. Together we will need to explore and develop what general knowledge we are familiar with, perhaps through related information and experiences, and go on to discover more specifically our juvenile criminal justice system as we discuss our interests and needs.

The lesson plans have been arranged to discover the students feelings, how and why they have obtained information about the juvenile justice system, and what is needed to stay clear of the wrong path.

Educating and counseling youths about the juvenile justice system requires a positive presentation. The student's formal and informal educational backgrounds, learning aptitudes, level of moral reasoning, and emotional maturity will affect how they learn and deal with this information in their personal lives

II. Overview of Juvenile Courts The juvenile court is a division of the main state court of the county court. Most juvenile courts handle the cases of youths who are under the age of eighteen. But some serious cases involving young children may be transferred to an adult court for trial. Juveniles charged with delinquency may be held in temporary confinement until their cases are heard in court. Juvenile courts usually cannot issue sentences that would confine youths over the age of twenty-one.

Before juvenile courts were established, judges tried children the same way that adults were tried, and many were sentenced to prison.

Juvenile courts were established as a result of changing attitudes toward child offenders during the late 1800's. Changes sought to make juvenile courts a place to help, not punish children. Children really should not experience the harsh atmosphere and treatment found in adult courts and prisons. Court appointed officials, such as social workers, would advise the judges with background information. The judge could then speak freely with the child, usually in private, and then render a decision based upon the child's best interests. The decision could vary from a warning, to a fine, to probation, or confinement in a school, or reformatory.

Massachusetts became the first state to provide separate court sessions for children in 1872. The states of Colorado and Illinois followed suit in 1899. By 1925, all states save two had juvenile courts.

The Supreme Court of the United States issued a landmark decision in 1967 regarding juvenile courts. It ruled that private and informal procedures used by the juvenile courts had deprived many children of certain rights that were guaranteed by the constitution. It also ruled that children must be granted these rights, including the right of children and their parents to have adequate notice of the specific charge, the right to an attorney in any case which might result in confinement, the right to question witnesses, and the right to remain silent.

Also in 1967, a special presidential commission reported that juvenile courts had so far failed in their efforts to decrease juvenile delinquency. Since then the courts have adopted an approach more similar to that used in the adult criminal courts. However, the emphasis is strongly placed on rehabilitation rather than confinement as in the adult correctional system.

A youngster can be labeled a delinquent for breaking any number of laws, ranging from larceny to running away from home. According to law, a juvenile delinquent is a youth, male or female who has been tried by a judge and found guilty of committing an act that violates a federal state, or local statute. They may have been arrested by the police, or brought to court by the school or parents.

Different people use the term "juvenile delinquent" to mean different things. The legal term juvenile delinquent was established so that young lawbreakers could avoid the stigma of being classified in legal records as criminals. Juvenile delinquency laws were designed to provide treatment rather than punishment for juvenile offenders. However the term juvenile delinquency has come to imply disgrace. An action for which a youth may be declared a delinquent in one community may not be against the law in another. In some communities the police ignore many youngsters who are accused of minor delinquencies or refer them directly to their parents. In other communities the police may refer such youths to a juvenile court where they may officially be declared delinquents.

The arrest of a juvenile is usually carried out by the local police. In this connection, however, the administrative or legislative provisions are often quite specific that the processing of juvenile cases should be undertaken with a minimum of delay. Restraints, such as handcuffs, should be used sparingly on juveniles except in instances where consideration of public safety justifies such procedures. The arrests reported to parents or guardians as well as the local probation officer as soon as possible. In matters of retaining a juvenile under detention after the arrest and prior to disposition of the case by a court, the tendency is toward providing specialized detention facilities. The purpose for this is to segregate the juvenile from adult offenders, thus minimizing the risks of harm and contamination, and providing an opportunity to study the social background and psychological attributes of the individual.

Some juveniles are sent to adult detention centers because of the seriousness of the crime committed and because the arresting authorities believe that the juveniles are unruly, dangerous and/or a menace to society. Often because special detention facilities make provisions for the observation of the juveniles through social, psychological and psychiatric services, the evaluations and their results are made available to the court so that a decision can be made in the best interest of the juvenile and society. The individualized justice which juvenile courts are supposed to offer cannot be obtained without adequate and appropriate resources to achieve this end. These services are a necessity and are usually required from the time that an offense has been committed to the time when the individual is returned to society. One of the most frequent treatments applied by the juvenile court is probation. The juvenile is placed under the supervision of a probation officer whose duties are to befriend and assist with the rehabilitation. Probation tends to be mostly social case work, since the probation officer's task is to counsel the offender, and assist as much as possible in all areas of daily life. Other problems such as employment, domestic matters, etc., may also be addressed depending upon the facts, circumstances and age of the juvenile.

Today juvenile courts deal extensively with delinquency due to the rise in juvenile crimes. Although statistics are often incomplete and misleading, they do at least give an indication to the extent of the problem. The Federal Bureau of Investigation reported that during the mid 1980's about two-fifths of all arrests for burglary and arson were people under the age of eighteen. Juveniles also accounted for one-third of all arrests for larceny. In any given year about four percent of all children between the ages of ten and eighteen appeared in juvenile court. Today about one out of every five youths appearing in juvenile court is a girl. Experts today have concluded that youthful misbehavior is much more common than is indicated by arrest records and juvenile court statistics.

In spite of all that has been done juvenile crime is on the rise and many reasons have been given as to why. There is no single reason. Most of the reasons are focused on family relationships, neighborhood or community conditions and financial status. Regardless of the nature of the delinquents' unhappiness, delinquency appeared to be the solution. Gangs also serve as accomplices in committing offenses and related retaliations inciting this problem in society today.

Many efforts have been made to develop programs of delinquency prevention, but they have met with little success. Some programs provide counseling services to youths who appear to be on the verge of becoming delinquents. Other programs draw youngsters into clubs and recreational centers in an effort to keep them away from situations in which delinquency is likely to occur. Many efforts have centered on improving the educational and working skills of youngsters. For youngsters who are already delinquents, there are programs designed to prevent them from committing future delinquent acts. The more progressive institutions for juveniles provide treatment programs, such as work study, counseling, education, and group therapy. Unfortunately, many other institutions provide little more than protective custody for juvenile delinquents.

III. The Connecticut Court System and Juvenile Justice

A. Recent History

Between 1959 and 1982, the Connecticut General Assembly passed a series of laws establishing the present state court system. It is called a unitary system because now there is only one set of courts which handles all trials-the Connecticut Superior Courts. Statutes which set up the present system have included:

1. Elimination of municipal courts

2. Elimination of Circuit Courts
3. Elimination of Court of Common Pleas
4. Elimination of separate Juvenile Court (replaced with Superior Court-Juvenile Matters)
5. 1976 Court Reorganization Act completed the merger process- implemented on July 1, 1978
6. Establishment of a state Appellate Court in 1982 replaced the Appellate Session of the Superior Court.

B. Present Court System

1. The Superior Court

a. Geographical Organization

(1) There are 12 Judicial Districts, each having Judicial District (JD) court.

(2) There are 22 Geographical Area (GA) courts located within the Judicial Districts.

b. Functional Organization/Administrative Divisions are responsible for handling the trials of particular categories of cases noted in the Judicial District and Geographical Area Courts

(1) Civil Division

(a) JD Courts

Most Civil Trials

Appeals from decisions of administrative agencies

Appeals from decisions of Probate Court (given in a trial de novo or new

trial)

(b) GA Courts

Small Claims

Paternity & Support

Landlord, tenant, evictions, damages

(c) Housing Courts (located in Hartford, New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk Judicial District only) Full time judges handling housing matters Power of inspection

2. Criminal Division

(a) JD Courts (all trials for major felony offenses

(b) GA Courts

All arraignments

Trials for misdemeanors and lesser felonies

Motor Vehicle violations

People you will see in Criminal Court

Bail Bondsman

This is a private individual, not a court or public officer. When a judge sets the amount of bail, the accused person must post that amount of money with the court in order to go free until the date set for hearings or trial. The bail bondsman provides sufficient funds for bail if the accused person gives him a certain percentage of the bail required (usually 10 percent). The bail bondsman signs a bond with the court as security that the defendant will appear in court when required. If the defendant fails to come to court on the date set, the bail bondsman must give the court the entire amount of money set for the bond.

Bail Commissioner

He is the public official in the courtroom who recommends to the judge the amount of bail to be set for each defendant.

Clerk

The officer of the court whose primary duty maintain court records. He or she also administers oaths. Court clerks are appointed by the judges.

Court Monitor

The court may have either a monitor or reporter. The monitor is the official who makes a trial record or transcript, by using a tape recorder.

Court Reporter

The court reporter is the court official who sits directly in front of the judge's bench. Using a special typewriter, the reporter takes down every word said during a trial. This becomes the official record or transcript.

Defendant

This is the individual accused of committing the crime. He or she may present a defense either with the assistance of an attorney or by themselves. The defendant may or may not testify on his or her own behalf and may or may not waive rights as outlined by the judge. The defendant is always considered innocent until proven guilty beyond a reasonable doubt. A defendant may not be forced to testify against him/herself (Amendment V to the U.S. Constitution).

Defense Counsel

This is the lawyer representing the defendant. His or her responsibility is to present evidence and arguments on behalf of the defendant so that the state does not convince the judge or jury beyond a reasonable doubt that the defendant committed the acts as charged. The lawyer may be either a private attorney hired by the defendant to help in the trial or may be a public defender. A public defender is an attorney appointed by the judge and paid by the state to assist a defendant who does not have enough money to hire a private attorney. Every person charged with a crime has the constitutional right to the advice of an attorney (Amendment VI of the U.S. Constitution).

Judge

An elected or appointed official with the authority to hear and decide cases in a court of law. Judges preside over preliminary hearings and trials. Superior court judges in Connecticut are appointed for eight year terms by the governor and are confirmed by both the House of Representatives and the Senate.

Jury

A specific number of people selected through the “voir dire” process described as prescribed by law to render a verdict in a criminal or civil trial. Most jury trials use six jurors; however, twelve jurors are used in the most serious cases. One or two alternate jurors must also listen to the entire trial in case one or two of the regular jurors must be excused. Members of a panel of jurors are called veniremen.

Probation Officer

The probation officer provides information for PSI and other investigations made before sentencing at the time of the disposition of the case.

Prosecutor

Representing the state, this attorney presents evidence in order to prove beyond a reasonable doubt that the defendant committed the crime as charged. In Connecticut, the prosecutors are called state’s attorneys, assistant state’s attorneys or deputy assistant state’s attorneys.

Sheriff

The officer who maintains order and decorum in the courtroom and is responsible for all of the prisoners in the courthouse.

Witness

A person who testifies before a court under oath to facts and evidence relevant to the alleged crime. Witnesses may be summoned into court by the prosecutor or the defense counsel (through a court order or subpoena, which legally requires them to appear.) They are subject to direct examination and to cross-examination by the attorneys. The right to subpoena witnesses is protected in Amendment VI of the U.S. Constitution.

Under the juvenile justice system young people under the age of 18 are really labeled youthful offenders.

There are three Juvenile Courts in the state of Connecticut. They are located in New Haven, Bridgeport, and Hartford. Juvenile court is held in the same building where the youthful offenders are being held.

There are several degrees of crimes youths can and do commit. A misdemeanor is not considered as serious as some other crimes. Under a misdemeanor infraction the offender is not always fingerprinted and photographed and there is no arrest. They are known as referrals. All records of the proceedings are kept in-house.

There is also a pre-delinquent, a youth destined for trouble. Notable signs are changes in their behavior patterns or choice of friends. This is the youth’s first or second offense and there is no court record. These proceedings are kept in juvenile services and scare tactics are used and the information is kept confidential. However, records of juvenile crimes and misdemeanors are kept on file until age sixteen. After that the record is dormant. When youthful offenders turn eighteen their records become permanent. The punishment depends on the severity of the crime, the law and the offender’s record.

The Superior Court - Juvenile Matters, formerly known as the juvenile court, has jurisdiction over the following matters, just to name a few. More serious crimes are beyond the jurisdiction of this court, and are adjudicated in the adult courts. Some of the minor offenses would be: a child who has run away from home, one whose

behavior is beyond control of their parent or legal guardian, a youth who has engaged in indecent or immoral conduct, truancy, or defiance of school rules. Serious juvenile offenses include: murder, arson, assault, kidnapping, larceny, possession of firearms, prostitution, and running away from a center where one has been placed for detention for serious offenses. Due to changing laws and society some offenses have been omitted from the serious list such as the narcotic charges and some weapon charges, and some of those on the serious list also carry degrees ranging from 1st to 3rd depending upon the nature of intent, bodily injury, theft, or property damage, etc.

There are support services for youthful offenders and their families. These services include agencies such as D.C.F., Department of Children Families, 4-C's - Coordinating Council Children in Crisis, Yale Child Study, Social Workers and Juvenile Probation Humanity Service.

Lesson Plans

Informal Informational Testing

The following three tests are designed to measure your experience, knowledge and attitude relating to the courts. Individual names are not required, but an identification code which you may put in the upper right hand corner will be used again at the end of this unit.

Age:

Sex:

Grade:

Respond "YES" or "NO" to the following questions:

- 1) Have you ever been stopped by the police?
- 2) Have you ever appeared in court as a defendant?
- 3) Do you know anyone who has served on a jury in either a state or federal court?
- 4) Have you, or anyone you know ever been a plaintiff in a court case?
- 5) Is any member of your family an attorney? A Judge? A probation officer? Is any member of your family on the staff of a state or federal court?
- 6) Do you regularly watch any court programs on television? If so, which one(s)?

Who does what in court?

Match people in Group I with duties in Group II.

Group I:

Judge

Clerk

Probation Officer

Defendant

State's Attorney

Defense Counsel

Witness

Sheriff

Bail bondsman

Court Reporter

Group II:

Puts up money to assure defendant will come to court for trial. Takes an oath to tell the truth. Decides which laws apply to case. Reads complaints and administers oaths. Presents evidence on defendant's behalf. Writes the transcript of the trial. May or may not testify on own behalf. Provides information to judge on a defendant. Maintains order and decorum in courtroom. Tries to prove beyond a reasonable doubt that defendant has committed the crime as charged

Using the Agree/Disagree scale below, please assign the number which best describes your feelings about the following statements.

1 = Strongly Agree

2 = Moderately Agree

3 = Slightly Agree

4 = Slightly Disagree

5 = Moderately Disagree

6 = Strongly Disagree

1. Is it a person's obligation as a citizen to be a witness in court when asked?
2. Society should pay attorney fees for persons who can't afford a lawyer.
3. It is all right to commit a crime against a person who deserves it.
4. Persons are treated equally in court regardless of their position in the community.
5. If you can get away with it, it is all right to commit a crime.
6. It is all right to lie in court to protect a friend.

7. It isn't bad to break a law as long as no one is hurt.
8. The purpose of a sentence is to deter further criminal behavior.
9. A juvenile should not be treated as an adult in court even when accused of the same crime.
10. Murder is justified under certain circumstances.

The following true false test is designed to measure your knowledge of the law and court procedures. Answer the following questions "TRUE" or "FALSE".

1. Anyone under 16 years old who runs away from home can be brought before a judge for such action.
2. The purpose of a jury is to decide if the rules of law have been followed during a trial.
3. When an accused person is found guilty by a jury, a judge can impose any sentence he or she believes to be fair on the accused.
4. Court clerks are appointed by the governor.
5. Probation reports concerning an accused person are admissible as evidence in court.
6. A defendant in a criminal case must prove his or her innocence beyond a reasonable doubt in order to be found "not guilty."
7. Arson is a crime against property.
8. Police officers decide whether or not to charge persons with crimes.
9. A delinquent act is any act committed by someone under 16 years of age which would be a crime if it were committed by someone over the age of 16.
10. A prosecutor may increase a charge to a higher offense than that with which an accused person is originally charged by police.
11. Juveniles are treated as adults in the criminal justice system at age 18.

Spelling & Language

Adversary system	Misdemeanor
appeal	negligence
arraignment	attachment
parole	bail
personal recognizance	plaintiff
beyond a reasonable doubt	plea
court monitor	prosecution
cross-examination	public defender
defendant	rehabilitation
subpoena	felony
juvenile	witness
jury	

Build your glossary and comprehension by writing the definitions of the word in a notebook and adding others to the list as you hear them used in court or by an attorney.

Use each word in a sentence, check for the correct spelling, and students understanding of the terms as they would apply to offenders.

Social Studies

You may need a copy of the United States Constitution and the Connecticut Constitution to complete this assignment. Copies of these documents can be found in school and local libraries. Or you certainly may test yourself on answering the following questions, and then complete the reading.

Divide the class into five different groups. Assign each group a different question, have them do the research and then report it to the class, sharing the information and opening a discussion on their findings and feelings.

1. What rights are guaranteed by the U.S. Constitution and the Connecticut Constitution to a person accused of a Crime? There are many, so please identify at least five, or what you feel to be the most significant.
2. How does a judge decide whether a person is entitled to the assistance of a public defender?
3. What is the purpose of bail?
4. Who has the burden of proof in a criminal case?
5. When a person stands accused of a crime, what must be assumed about him/her throughout the preliminary hearings and trial?

Plan A Field Trip to Court

Before, going to court invite a speaker from the judicial system to speak to the class. Also before visiting court, ask the students to name as many court related jobs as they can. Ask students which court-related jobs they would choose if they could hold those jobs for a day.

Divide the students into groups by the jobs they chose, trying to have all identified jobs covered. In these groups, have students develop interview questions relating to the chosen jobs (What training would be necessary for the job? Is the job appointed or elected? What are the most interesting aspects of the job? What are the reasons for their choice, and are there opportunities for advancement?)

Several days before going to court, the teacher should try to arrange interviews with court staff if at all possible.

With the questions they have listed, have each group of students interview the staff who positions they have chosen to explore. After the visit, have each group report to the class the information acquired during interviews.

If it isn't possible to conduct the interviews during the court visit, have the students do their own research perhaps through a personnel clerk.

Have the students write about their experiences, during the visit. What they observed, if their opinions have changed, on our justice system, on the positions they would have chosen to hold for a day, on the individuals in the court seeking justice, and those charged with crimes.

Plan A Mock Trial

Use the students to plan and conduct a mock trial. You will need to set up court, select a judge, jury if necessary, defendant, witnesses, plaintiff, prosecutor and defense attorney. Additional personnel such as a court reporter, sheriff, and court clerk could be needed, considering the nature of the case, facts, and circumstances. They will need to create a situation, and then match it with the necessary resources. Have those interested in participating, plan, conduct the trial, and then close the proceedings with a verdict, sentencing and final outcome. Use the remaining students as a panel for discussion, as to how the perceived the system operates, their feeling toward the selected officials, their opinion of the verdict and its outcome, the effect on the defendant, and if they would have done anything differently or had any disagreements.

Detective Whitney Epps

Investigator in Juvenile Services

1 Union Ave.

New Haven, CT 06519

Tel. No. 946-6993

Student Evaluation Name:

Grade:

Date:

1. What were the most important things you learned during your court visit?
2. Did you find out what you wanted to know about courts and court procedures?
3. Did an attorney visit your class either before or after your court visit?
4. Was the class session helpful for answering your questions?
5. How did you feel about the people you observed in court?
6. Would you be interested in pursuing any the court related professions you observed?

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Resources Connecticut Court Visitation Program Manual Gail Halter Tel. No. 721-0025

Public Resources Coordinator

Connecticut Bar Association 101 Corporate Place Rocky Hill, CT 06067

Connecticut Visitation Program, Notes on Sentencing in Connecticut 1994-1995.

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Beaudry, Jo and Ketchum, Lynne. *Carla Goes to Court*. Human Sciences Press, Inc., New York, 1987. This is an excellent book about a court case that involves a young lady as a witness. It will be very helpful in preparing a mock trial.

Carroll, Sidney B.. *You Be the Judge*. Lathrop, Lee and Shepard Co., New York, 1971. The author of this book cites several cases and asks the reader to be the judge.

Doland, Edward F. Jr.. *Protect Your Legal Rights*. Simon & Schuster Inc., New York, 1983. This is a handbook for teenagers and adults.

Englehardt, Leland S.. *You Have A Right*. Lathrop, Lee & Shepard Company, New York, 1979. This book shows how the law protects minors in their daily life activities. It discusses risks and rights of minors.

Fincher, E.B.. *The American Legal System*. Franklin Watts, New York, 1980. This work describes the legal system and relates the experiences of two teenagers in trouble with the law, one of whom is tried as an adult and one as a teenager.

Yale-New Haven Teachers Institute. Comments to ynhti-help@yale.edu.

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