



celebrate your freedom:  
independent courts protect our liberties

# LAW DAY 2003 planning kit

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# law day

President Dwight D. Eisenhower established Law Day in 1958 to provide an opportunity for reflection on our legal heritage and the role of law in our society. Law Day has been celebrated around the nation every May 1 since then.

Celebrate  
Wisconsin's  
legal history  
on Law Day  
2003

This year, the American Bar Association has chosen "Independent Courts Protect our Liberties" as its Law Day theme. This theme works with several milestones that the third branch will mark in 2003, presenting Wisconsin's judges, lawyers, clerks of circuit court, and court staff with a unique opportunity to educate the public about the enduring values of the justice system.

This year, we celebrate the 150th anniversary of the formation of the Wisconsin Supreme Court, the 125th anniversary of the State Bar of Wisconsin, and the 25th anniversary of the Wisconsin Court of Appeals. Marking these milestones and honoring this history is best done, as Chief Justice Shirley S. Abrahamson pointed out in her 2002 State of the Judiciary Address, by examining the enduring values of our legal system. The last 150 years have brought many changes, yet through them all, the core values of our judicial system have endured. Independent courts protect our liberties.

Wisconsin launched its first statewide campaign to celebrate Law Day in 1997 with open houses in the courts. The effort recognized that Law Day offers judges, lawyers, clerks of circuit court, and others in government who do the work of justice an important opportunity to educate the public about the law.

In 1998, we gave the program a sesquicentennial twist, packing the kit full of information on Wisconsin's court history and legal lore. The 1998 Law Day Planning Kit, Sesquicentennial Edition, was recognized with an award from the American Judicature Society for "enriching the public's understanding of the courts' vital role in serving citizens throughout the 150 years of Wisconsin's statehood." From 1999-2002, we continued the tradition, providing new ideas, speeches, and lists of possible partners in each kit.

This year, we provide new mock trial scripts, public service announcements, new program suggestions, new speaking points, and a variety of updated resources. Each planner will receive a copy of this guide. The first person listed in each county is responsible for organizing the local Law Day committee. It is suggested that members of the county bar, county board, law enforcement, and community groups be invited to help. In addition to the court personnel and lawyers listed in the contacts section, you will also find a list of 4-H youth agents in each county who may be willing to plan or host events.

This kit is being provided at no cost to you. It contains order forms for many handouts that will also be provided at little or no charge. Individual committees are responsible for any additional costs incurred for refreshments, banners, plaques, materials ordered from the American Bar Association, etc.

We wish you a successful 2003 Law Day celebration!

# planning

## MARCH 2003

- Planning kits distributed to organizers (see page 7).
- Organizers convene committees; assign duties (see page 7).
- Order free American Bar Association (ABA) Law Day catalog. Call 800/285-2221 and mention product code 317-0324 or order online at [www.lawday.org](http://www.lawday.org).
- Order mailing labels for local schools from the Department of Public Instruction (DPI).
- Orders need to be in writing and this service costs \$25-40 plus 10 cents per label sheet. For more information, call Carla Reynolds at 608/267-1071 or visit the Web site at [www.dpi.state.wi.us/dpi/schlinfo.html](http://www.dpi.state.wi.us/dpi/schlinfo.html)
- Order community group mailing list from local chamber of commerce.
- Contact community groups and schools to offer judges and lawyers to speak on the best interests of children or other law-related topics speakers can use this opportunity to announce Law Day activities. Make use of the speaking points and synopses of school-related cases beginning on page 37.
- Consider using information from *Famous Cases of the Wisconsin Supreme Court* or articles on Wisconsin's legal history, both available on the court system Web site (see Resources, page 86).

### March 26

Recruit all necessary volunteers: lawyers to staff an advice booth and coach mock trial participants, tour guides, contest judges, etc.

Solicit door prize donations for Juror Appreciation Dinner (see page 83).

Research local businesses' jury duty practices to determine which business should receive the Juror Employer Award (see page 83).

Send first press release to announce Law Day activities (see sample, page 33).

Assign a local lawyer or judge to write Law Day guest column (submit by April 4).

### March 27

Contact schools with invitations and information on poster and/or essay contests (see page 32), mock trials (see pages 46-82), and other activities.

# planning

## MARCH 2003

- March 27** Invite community groups, local officials (see page 31).
- March 28** Meet with buildings/grounds personnel to choose space for Juror Appreciation Dinner (see page 83).
- Invite former jurors to Appreciation Dinner (see pages 85). Give one-week deadline for response.

## APRIL 2003

- April 4** Deadline for ordering State Bar of Wisconsin materials.
- Contact award winners and order plaques (see page 93).
- Send press releases about awards (see page 34).
- Order refreshments, decorations, banners (see page 94).
- Design and distribute a flyer promoting Law Day activities.
- April 7** Meet with buildings/grounds personnel to finalize space/furniture needs for Juror Appreciation Dinner (see page 83).
- April 14** Contact caterer and make nametags for Appreciation Dinner.
- Deadline to judge contest entries and contact schools with results (see page 25).
- Design certificates for contest winners (see pages 95).
- April 18** Send second press release (see page 33).
- April 28** Reminder calls to all volunteers.
- April 30** Set up tables, booths, hang banners, set out handouts, etc.

## MAY 2003

- May 1** Celebration of Law Day 2003. Good luck!

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# activities

The key to a successful Law Day is providing programs that are interesting enough to bring people to the courthouse. Consider especially reaching out to the elderly, low-income, and immigrant populations by arranging for transportation to bring them to the courthouse for Law Day. Many of the activities listed below come from the American Bar Association.

## ELEMENTARY STUDENTS (K-5)

### Art contests

1. Have students create a poster that illustrates America's melting pot.
2. Ask students to create a collage showing how diverse people have contributed to America's government, legal system, popular culture, etc.
3. Ask students to create a collage that reflects America's quest for equality.
4. Have students create a poster that shows people celebrating or using their freedom.
5. Assign students to create an informational poster montage that explains the trial rights guaranteed in the Constitution.
6. Challenge students to create a poster that explains their understanding of our freedoms as American citizens.
7. Sponsor a t-shirt or button contest with the winning artwork being displayed on items worn on Law Day.

### Classroom Rules

Ask the children to describe a good class. Then ask them to write rules that would help make the class like the one they have described. Make sure they understand why rules are needed to preserve order. Older students could be asked to evaluate the quality of a rule. The following criteria can help them decide which are good rules and which are not. Is the rule fair, easy to understand, and clear regarding expectations? Is it possible to follow, not in conflict with other rules or values, easy to enforce, and will it achieve its purposes? Students could write a statement of why they think the rules should or should not be changed. If they want the rule changed, they should write their own version of the rule.

### Class Constitution

Elementary students reportedly love this activity. After learning about the writing of the Constitution, help students create a class constitution and bill of rights. An alternative that is less complex is to have students create rules for their classroom (see above). Challenge students to analyze hypothetical situations to assess whether or not actions are "constitutional" or "legal." While considering these hypothetical situations, students may well find that their constitution or class rules need amending.

## Sample Lesson: Fairness & Equal Treatment

You can reach even the youngest students with important principles that undergird our legal system. Here's a strategy that builds on the concept of fairness. Try to keep your presentation brief – 30 minutes or so – in keeping with program schedules in elementary schools.

### Objectives

During your session, students will:

- explore whether it's fair to treat everybody exactly alike or whether it's sometimes fair to treat certain people differently because of special circumstances; and
- see how the law tries to ensure fairness.

### Procedures

1. Begin by introducing yourself. Explain that you're a lawyer, that you help people to understand laws and use them effectively. Explain that rules and laws are supposed to be fair, and to help people be treated fairly.
2. Begin by asking the children to share examples of when something was unfair. Try to reach agreement on how to define "fair" and "unfair." To start the discussion going, you might give a few examples ("If we're playing a game, is it fair for me to have the ball and for you to never have it;" "Is it fair to change the rules in the middle of a game?").
3. Share the handout with students. Review each item with them. Ask how many students thought in the first situation it was fair to keep girls out of the boys' club or boys out of the Brownies. How many thought it was unfair? Encourage them to think of reasons to back up their opinion. Tally the results on the board. Do the same for each item.
4. For a number of the examples, students may think it's fair to treat people differently because of different circumstances (a 10-year-old may do more around the house to earn an allowance; maybe the best players should play the most.) That can lead you in to a discussion of how the law permits differences such as these, as long as there is a good reason for them, grounded in the different situations and circumstances of the people involved – the "rational relationship" test.
5. Then give them an example of an unfair action. How would you feel if everyone in the class whose first name begins with a letter from A to M got extra time at recess, and everyone whose name began with a letter from N to Z got no time – and had to stay after school to boot? Why would that be unfair (not rational – arbitrary and capricious).
6. Talk to the students about examples of unfair treatment from our history.
7. Discuss with them what people can do if they think they've been treated unfairly. They can go to court to ask a judge or jury to hear the evidence and decide whether they've been treated fairly. This can evolve into a discussion of procedural fairness, and what that entails:
  - o both sides have a chance to tell their story before an impartial judge;
  - o each responds to what the other says; and
  - o each questions witnesses.

# handout:

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## Fair or Unfair?

Here are some examples of people being treated differently. Please go through them one by one. Do you think each one is fair or unfair? Why? If you think some are unfair, who is harmed and what should be done about it?

- 1 Girls are not allowed to join the Boys Club. Boys can't join the Brownies.
- 2 Children under 6 get into the swimming pool for free.
- 3 Parents give their 10-year-old son a larger allowance than they give their 5-year-old son.
- 4 The positions in the class never rotate; the kids seated in front are always in front.
- 5 There are twice as many kids on the soccer team as there are positions. The coach plays the best players most; some kids hardly play at all.

## Middle School Students (grades 7-8)

Civics education is emphasized in middle school, and this is a perfect age for visiting court. The challenge is keeping the students' interest by making the court visit engaging for them. The following activities - to be conducted during students' visits - are recommended by the American Bar Association's Special Committee on Youth Education for Citizenship.

These activities are designed to enable students to learn about the operation of the courts and to look at a situation from a variety of viewpoints.

### Exploring Diversity and the Law

Have students explore what “diversity” means to them. Ask them to offer definitions and synonyms. Ask what types of diversity exist in our society. Ask which issues of diversity are most critical today in our country? In their community? In their school? Does the law protect the kinds of diversity they’re discussing? If so, how? If not, should it? What fundamental values-such as justice, equality, and human dignity-are involved? What, if any, policies should be established to further diversity?

### Mock *Voir Dire*

*Voir dire* is the process for examining prospective jurors in order to determine whether a potential jury member is biased or has any connections with a party to the action or a prospective witness. Lawyers can act as prosecutors and defense counsel while students play the roles of prospective jurors.

### Classroom Guests

Guests from the legal or law-enforcement communities might be invited to visit classes and make a presentation about freedom and responsibility. Topics could include laws that treat juvenile perpetrators of violent crime as adults, curfews for youth, or dress codes and gang insignia. Students should be prepared for the guest by reading about the guest’s topic and preparing questions to ask the guest.

### Freedom in the News

Students can search newspapers for stories about people exercising freedoms. When they’ve found a variety of articles, students can create a scrapbook for their classroom. It should include the newspaper article and a brief explanation written by the student stating why the article was selected.

### Role-Playing

#### The Arrest

- 1 Divide the children into groups of four and ask each group to plan a simple arrest. Two students play police officers; two play suspects. After they have planned their scenario, invite a local police officer in to watch and critique the arrests, and to supply information on the appropriate protocol. The judge or district attorney may also wish to be present to discuss search warrants and Fourth Amendment rights. Following the discussion, have the students re-stage the scenario to make it legally correct.

#### The Role of Attorneys

- 2 Use the students’ favorite role-play from The Arrest and have them hammer out the facts that the prosecution and defense agree upon and write those on a flip chart. Invite a prosecutor and defense attorney to develop and present opening statements. In the process, have the attorneys explain to the students how they would choose which facts to include, which to highlight, and which to downplay.

## High School Students & Adults (grades 9 & up)

Ideas for older students and adults include exercises that can be conducted in the classroom or with community organizations and activities that can be organized in the courthouse.

### Advertising

In small groups, have students find examples of advertising that they think is misleading or objectionable. Each group should prepare a presentation describing how they would control such advertising or arguing why it is protected by the First Amendment.

### Teaching Conflict Resolution and Mediation Skills

Many schools are interested in launching their own peer mediation or peer jury programs to resolve conflicts between students. Begin by researching available programs in other schools or through the State Bar of Wisconsin or the Department of Public Instruction. In Maryland, for example, the state bar conducts workshops on conflict resolution, peer mediation, teen courts, and other topics through a program called “Cutting Out Conflict – Working with Words, Not Weapons.”

### Law Careers on Law Day

Many middle schools and high schools host a Career Day each spring that may coincide with your Law Week programs. Find out at the beginning of the year if and when area schools have a Career Day program or study a unit on careers. Students can prepare by creating a worksheet of possible questions on how their visitors prepared for their careers, what their jobs are like, and the larger picture of opportunities in the field.

### Exploring Diversity and the Law

Have students explore what “diversity” means to them. Ask them to offer definitions and synonyms. Ask what types of diversity exist in our society. Ask which issues of diversity are most critical today in our country? In their community? In their school? Does the law protect the kinds of diversity they’re discussing? If so, how? If not, should it? What fundamental values – such as justice, equality, and human dignity – are involved? What, if any, policies should be established to further diversity?

### Judicial Decision-Making Exercise

The purpose of this exercise is to explain judicial decision-making and interpretation of the law. One of the most popular versions of this exercise is Tootsie the Goldfish, created by Chief Justice Shirley S. Abrahamson. The Tootsie lesson is in chapter 2 of *Connecting to the Courts/A Teacher’s Guide to the Wisconsin Court System* at [www.courts.state.wi.us/media/pdf/Teacher's\\_Guide.PDF](http://www.courts.state.wi.us/media/pdf/Teacher's_Guide.PDF).

The version below is taken from the ABA’s *Guide to Educating the Public About the Courts*.

#### “No Vehicles in the Park”

The town of Beautifica has established a lovely park. The city council wanted to preserve some elements of nature, undisturbed by city noise, traffic, pollution, and crowding, so the park is a place where people can go to 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: No Vehicles in the Park.

The law seems clear but some disputes have arisen over the interpretation of the law. Interpret the law in the cases that follow, keeping in mind the letter of the law as well as its intent.

**Case 1:** Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect’s car and trap him.

**Case 2:** An ambulance has a critically injured car accident victim in it and is racing to the hospital. The shortest route is through the park.

**Case 3:** Ms. Thomas wants to take her baby to the park in his stroller.

**Case 4:** 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.

**Case 5:** There are many trash barrels in the park and the sanitation department wants to drive a truck in to collect the trash.

**Case 6:** Some of the children who visit the park want to ride their bicycles there.

**Case 7:** Several of the townspeople make their living driving tourists around scenic spots in a horse and buggy. They want permission to drive through the park.

## Other General Ideas

### Poster and Essay Contest Ideas

These contests are great ways to spark students' imaginations. See pages 25-28 for contest details.

- 1 Ask students to complete this thought: "To me the phrase 'judicial independence' means...."
- 2 Select one right from the Bill of Rights and ask students to explain why that right is important to them.
- 3 Challenge students to explore in an essay the balance between constitutional freedoms and public safety on one of the following issues: school dress codes, school locker searches, school drug testing, or school safety rules (metal detectors, no beepers, etc.).

### Information Fair

Set up tables for handouts/displays from the courts, county and state bar associations, the ABA (call 312/988-5735 for a catalog), police, sheriff, and county agencies. Consider reserving one table as a legal advice booth (see page 24), one for voter registration and one for often-asked questions (for example: how to apply for a passport, how to file a small claims action, what happens when one fails to pay a fine). Give a tour of the court system's redesigned Web site on public access terminals. Many bar associations have programs geared to high school seniors who will soon be, or already are, adults. A lawyer discusses a topic with a small group of students, allowing time for their questions. Students move round robin to another lawyer until all students have met with each lawyer. Each lawyer discusses a different issue such as leases, drunk driving, marriage, and domestic abuse.

[ take note ]

more ideas,  
judging forms  
and criteria on  
pages 25-28

## [ take note ]

make tours  
educational with  
materials about  
the law  
pages 86-90

## Legal Advice Booth

Identify local lawyers with a broad range of expertise to staff the booth in shifts. Promote in flyers and press releases (see page 33-34). Alternative: Partner with a local television or radio station and have attorneys take call-in questions.

## Tours of Courthouse

Recruit volunteers, create handouts and tour-guide speeches with historical information on Wisconsin's legal history and famous cases (see resources, page 92), complete localized court visitors' guide if not already done (call 608/264-6256 for help), and make posters listing tour times.

Offer tours in conjunction with a "meet your judges/police chief/sheriff/county executive/county board members/city council" event.

Contact these and other individuals to gauge interest, availability, and the best venue for meetings. For example, determine which court will be handling cases that are appropriate for children to watch or stage a mock trial (see pages 46-82 for mock trial scripts). See if the sheriff's department will give jail tours and if a police mascot might be available to greet children and give safety tips. See if a CrimeStoppers episode could be taped at the courthouse on May 1 or if a local radio station will broadcast live from the courthouse. Promote all activities in press releases and flyers, making clear that judges will not answer questions on pending cases.

## Town Hall Meeting

Tasks: Organize a town hall meeting for community members to meet with lawmakers, judges, and attorneys to talk about key issues related to the law and the courts. Promote with flyers.



# contests

(Note: enclose this information with the invitation to schools)

## Essay Contest for Fifth Graders

- Rules:**
1. Teachers should screen all submissions and forward the top two to XYZ, the committee person in charge of contests (see address below).
  2. Entries will be screened by a committee of judges and lawyers. Judging criteria are as follows:
    - How well the question is addressed
    - Originality
    - Clarity
    - Grammar
    - Spelling
    - Construction
  3. Teachers should staple a cover sheet to each entry with the following information: teacher's name and telephone number; student's name, name of school, number of the question being addressed.
  4. To be considered, entries must be received no later than Friday, April 11.  
**INSERT ADDRESS HERE**

### Questions (choose one):

1. Describe one of the rights that you, as a child, have under the U.S. Constitution. What are some of the things that right allows you to do?
2. If you could amend the U.S. Constitution, what right would you give to children and why?
3. What does equality mean to you? How can you work to achieve equality in your school?
4. Should juveniles accused of serious crimes be tried as adults? Why or why not? If so, for which crimes and at what ages?

### Prizes:

First, second and third-place winners will be called on or about April 14. Due to the expected volume of entries, those who entered but did not win will not be notified. The winners will be honored at a ceremony at the X County Courthouse at noon on May 1 as part of our Law Day celebration. Judge Y will present each winner with a certificate/ribbon/plaque and ask each to read his/her essay aloud to the group that will be assembled for Law Day activities. The children's parents, principal and teacher will all be welcome to attend. Awards for a fourth-grade poster contest will be given at the same ceremony.

Please note that winning essays will be submitted to the local newspaper unless teachers ask that they not be.

## Poster Contest for Fourth Graders

- Rules:**
1. Teachers should submit all entries to XYZ (the committee person in charge of contests). See address below.
  2. Entries will be judged by a team of judges and lawyers on the following criteria:
    - Creativity
    - Originality
    - How well the question is addressed through the art
  3. Teachers should tape a sheet to the back of each entry with the following information: teacher's name and telephone number, student's name, name of school, number of question being addressed and a short description of what the student is showing (for example: Billy has drawn himself worshipping at his church). To be considered, entries must be received no later than Friday, April 11. Send to:  
**INSERT ADDRESS HERE**

**Topics (choose one):**

1. Create a poster that shows the role of the law in protecting children.
2. Create a poster showing what you think our country might be like if we didn't have the Constitution to protect our freedom.

**Prizes:**

Winners will be notified by telephone on or about April 14. Due to the expected volume of entries, those who do not win will not be notified. All posters received will be hung in the X County Courthouse during the week of May 1, in honor of Law Day. The first, second and third-place winners will receive ribbons, which will be tacked to their posters during a ceremony at noon on Tuesday, May 1, at the courthouse. The children, their parents, principal and teacher will be welcome, and the children will be asked to explain the meaning of their posters to the group that will be assembled at the courthouse for Law Day. Awards for a fifth-grade essay contest will be given at the same ceremony.

# judging

**Essay/Poster Number:** \_\_\_\_\_

(Note: the person who receives the essays/posters should not be one of the people judging them. S/he should remove all identifying marks and give each poster a letter, keeping a master key that matches name to letter).

Note: Essays are judged on all criteria; poster criteria may need to be narrowed.

**Criteria:** \_\_\_\_\_ Points (max for each = 5)

How well addressed question \_\_\_\_\_

Originality \_\_\_\_\_

Creativity \_\_\_\_\_

Clarity \_\_\_\_\_

Grammar \_\_\_\_\_

Spelling \_\_\_\_\_

Construction \_\_\_\_\_

**Score:** \_\_\_\_\_/35

## Sample Notification of School

Congratulations! Your student, XYZ, has won (first, second, third) place in ZZ County in the Law Day 2003 essay contest. You and s/he should be very proud.

The judging was done by Judge X and Lawyers P and D. All identifying marks were removed from the essays ahead of time to ensure fairness. We received essays from # schools from all over ZZ County.

We would like to invite you, the school principal, the student's parents and the student to a ceremony at which we will honor all essay contest winners. This will take place at noon on Thursday, May 1, at the ZZ County Courthouse, address here. Judge X will present the top three essayists with plaques and the children will each be asked to read their essays aloud to the various groups who will be present for the Law Day open house.

We will be sending the student's essay to the local newspaper and will invite the media to cover the awards ceremony. If the child's parents would prefer that s/he not be given media exposure, please notify me of that immediately. Please also call as soon as possible to let me know how many we can expect at the ceremony.

I can be reached at XXX. Congratulations again!

Sincerely yours,

PDQ  
Chair, Law Day 2003 Committee

# good ideas

The following programs were winners of the ABA's Law Day Activities Award in 2002. The ABA describes hundreds of successful Law Day programs on its Web site at [www.abanet.org/publiced/lawday/ideas/home.html](http://www.abanet.org/publiced/lawday/ideas/home.html)



In Alaska, a photo-text exhibit put a face on justice for an audience of approximately 40,000 Alaskans at schools, courthouses, and other public venues. The exhibit, titled "The Us in Justice...is Everyone," featured 37 portraits of diverse Alaskans and their personal statements describing their interpretation of equal justice. This display raised public awareness about the legal system through the efforts of local judges, attorneys, legal organizations, and others committed to assuring equality.

For more information, visit [www.abanet.org/publiced/lawday/ideas/alaska02.html](http://www.abanet.org/publiced/lawday/ideas/alaska02.html)



In Nebraska, middle and high school students competed in the state's third annual Law Day essay contest, debating whether the word 'equality' should be included in the Pledge of Allegiance. Sitting members of Nebraska juries scored the essays on comprehension, originality, creativity, and other criteria. Accompanied by teachers, administrators, and families, winners at each grade level attended a special Law Day recognition luncheon in Lincoln where the Nebraska Supreme Court's chief justice presented the awards, and the governor gave his Law Day proclamation.

For more information, visit [www.abanet.org/publiced/lawday/ideas/ne02.html](http://www.abanet.org/publiced/lawday/ideas/ne02.html)



In Minnesota, more than 1,500 people toured the Minnesota Judicial Center in its first-ever public open house. Home to the state's judicial branch and appellate courts, the Center was packed with students, teachers, senior citizens, and other groups exploring the facility and interacting with the justices. Other activities included multimedia presentations about the state's courthouses and court system structure; an information fair detailing law-related careers with representation from more than 20 organizations; and interactive activities on fingerprinting and the trial process.

For more information, visit [www.abanet.org/publiced/lawday/ideas/mn02.html](http://www.abanet.org/publiced/lawday/ideas/mn02.html)



In Louisiana, middle and high school students flocked to New Orleans to interact with lawyers, judges, and law-enforcement officers at the Law Day Summit. A mock city council debate gave the students the opportunity to voice their opinions on the local teen curfew law; they presented recommendations directly to city leaders and local elected officials. Following the debate, breakout sessions focused on assuring equality in the workplace, home, and school.

For more information, visit [www.abanet.org/publiced/lawday/ideas/lce02.html](http://www.abanet.org/publiced/lawday/ideas/lce02.html)

## Other Notable Programs

### US Air Force Judge Advocates in Wyoming

Judge advocates (JAGs) spoke to more than 500 9th graders at two local junior high schools. JAGs talked to small class groups and used a variety of interactive techniques – mini courts-martial, search and seizure hypotheticals, etc. to involve students (see below). Further, JAGs set up a legal question and answer session in the base dining hall and held an estate planning seminar at the base family support center.

#### Search and Seizure: Hypothetical Situations

- 1 You are walking down the street in downtown Cheyenne. You do not match the description of any wanted criminal suspects and no crimes have recently been committed in the area. A police officer walks up to you, asks you your name and some identification. Can you walk away without answering?
- 2 You and two friends are driving around Lyons Park at 10:30 p.m. A police officer drives by. He doesn't like your looks or the looks of your two friends. He thinks you look like troublemakers. You don't break any law. Can he pull you over and ask you for your license and registration?
- 3 You and two friends are driving around Lyons Park at 10:30 p.m. A police officer drives by. He doesn't like your looks or the looks of your two friends. He thinks you look like troublemakers. You have a broken headlight. Can he pull you over and ask you for your license and registration?
- 4 You and two friends are driving around Lyons Park at 10:30 p.m. A police officer drives by. He doesn't like your looks or the looks of your two friends. He thinks you look like troublemakers. You have a broken headlight. He pulls you over. He approaches your car and knocks on your window. As you roll down your window a wave of marijuana smoke blows out and hits him in the face. He asks you to step out of the car and then proceeds to search it for drugs. Can he do that?
- 5 You and two friends are driving around Lyons Park at 10:30 p.m. A police officer drives by. He doesn't like your looks or the looks of your two friends. He thinks you look like troublemakers. You have a broken headlight. He pulls you over. He approaches your car and knocks on your window. You roll down your window and he asks you if he can search your car. You say no. There is no sight or smell of anything illegal. He searches your car and finds drugs. Can he arrest you and use that evidence against you?
- 6 You've been arrested for marijuana possession. No one has read you your Miranda rights. They take you to the station and want to fingerprint you. You don't consent. They do it anyway. Your fingerprints show you to be the mysterious third who helped Timothy McVeigh in the Oklahoma City bombing. Can they use those fingerprints against you in court to prove you are that person?
- 7 You've been arrested for marijuana possession. A police officer reads you your Miranda rights. You say you want to speak to a lawyer. Can she continue to question you?
- 8 You've been arrested for marijuana possession. A police officer reads you your Miranda rights. You say you wish to remain silent. Can she continue to question you? What if it is about a completely unrelated car theft that happened last Saturday?

# invitations

## Sample Invitation to Community Groups/Officials

Dear (Rotary, Kiwanis, NAACP, Mayor, Police Chief, Legislator, etc.):

The X County courts are planning a big celebration on Thursday, May 1, in honor of Law Day. We would like to invite you to join in the festivities.

Law Day U.S.A. was established by President Dwight D. Eisenhower in 1958 to give Americans an opportunity to reflect on the country's legal heritage, the role of law in our society and the rights and responsibilities that come with a Democracy.

The theme of this Law Day is "Independent Courts Protect our Liberties" and we believe there is no better place to celebrate that than at the local courthouse, where our independent judges work every day to help individuals to resolve their disputes peacefully.

We are planning an open house at the courthouse with (for example): refreshments, a team of local attorneys providing free legal advice, a table full of free materials on a variety of law-related topics such as landlord/tenant law, real estate transactions, bankruptcy, buying and selling automobiles and much more; a voter registration table, tours of the courthouse and the jail, an opportunity to meet the judges and a display of posters on the Constitution crafted by local fourth graders.

We hope you are able to join in this celebration and ask that you please call Y (committee person) if you have a group larger than five.

Sincerely yours,

XYZ

## Sample Invitation to Schools

Dear Principal X:

I am writing to invite your students to participate in a statewide Law Day celebration. The theme of this year's Law Day is "Independent Courts Protect our Liberties" and we believe there is no better place to celebrate that than at the local courthouse, where our independent judges protect each person's constitutional rights.

President Dwight D. Eisenhower established Law Day U.S.A. in 1958 to provide an opportunity for reflection on our legal heritage and the role of law in American society.

On May 1, 2003, in honor of Law Day, the X County courthouse, along with courthouses around the state, will host an open house. There are a number of ways in which your students might participate:

First, the Law Day 2003 organizing committee is sponsoring a poster contest for fourth graders and an essay contest for fifth graders (see attached contest information).

Second, the committee is making lawyers and judges available to visit your school and lead discussions designed to help your students understand the rule of law and the role of an independent judiciary.

Third, we would like to offer you the opportunity to schedule a tour of the courthouse on May 1 for a group of students. XYZ activities will be taking place (include the mock trial, if you will have one for them to watch). If you should have a contest winner, that student, his/her parents, the teacher and yourself will be invited to an awards ceremony at the courthouse.

We hope you choose to participate. Please call me at XXX if you are interested. Thank you!

Sincerely yours,

XXX  
Chair, Law Day 2003 Committee



# press releases

## Sample Press Release #1

CONTACT:  
Committee Member X  
Phone Number

FOR IMMEDIATE RELEASE

### XYZ County Courthouse Will Celebrate Law Day with an Open House

Everywhere, Wis. (March 28) - Need free legal advice? Want to register to vote or pick up free materials on your legal rights and how to protect them? How about taking a tour of the jail or meeting your sheriff and judges?

The XYZ County Courthouse, in celebration of Law Day, will sponsor an open house for the community on Thursday, May 1, from 8 a.m. until 4 p.m. Refreshments will be served and Judges P, D and Q along with Police Chief R, Sheriff S, County Executive T and members of the City Council and County Board will be on hand to greet the public.

Cheesehead the Clown will also make an appearance to hand out home safety tips.

Local lawyers A, B and C will staff a free legal advice booth from 8 a.m. to 3 p.m. to answer your questions. In addition, a variety of free handouts on topics such as landlord/tenant law, divorce, marital property, bankruptcy, starting a business and much more will be available.

City Clerk Z will have a voter registration table set up. In order to register, you must be at least 18 years old. Bring an identification card and anything showing your current address (check with your city clerk to make sure this is what they will want).

Law Day U.S.A. was established in 1958 by President Dwight D. Eisenhower to give Americans an opportunity to reflect on their legal heritage and the role of law in society.

###

## Sample Press Release #2

(Note: if you have essays from fifth and/or eighth graders, enclose them with the press release)

CONTACT:  
XYZ  
Committee Member  
Phone Number

FOR IMMEDIATE RELEASE

### Courthouse Will Celebrate Law Day on May 1

Everywhere, Wis. (April 21) - The community is invited to a Law Day celebration Thursday, May 1, from 8 a.m. to 4 p.m. at the X County Courthouse. Free legal advice, refreshments, tours of the courthouse and jail, a voter registration table, and an opportunity to meet the judges are just a few of the activities planned.

Law Day U.S.A. was established in 1958 by President Dwight D. Eisenhower to provide an opportunity for Americans to learn more about their legal heritage and the rights and responsibilities that come with a Democracy.

At noon, a ceremony will honor local students who have created posters and essays (editor: see enclosed essays) in honor of Law Day. The winners will be given ribbons and plaques and asked to present their work to the assembled group.

At 5 p.m., local people who (have served on juries in the last three months/serve as foster parents) will be honored at a courthouse reception with the judges.

All members of the community are encouraged to attend the festivities, or just stop by and pick up a variety of free handouts that answer legal questions on such topics as buying and selling automobiles, real estate transactions, starting a business, divorce, probate and much more.

###

# radio spots

Two options are available to those interested in having their local radio stations air public service announcements (PSAs) around Law Day. First, the 30-second scripts below can be modified and taken to your local radio station for recording and airing. Many stations are willing to do this at little or no cost. Second, pre-recorded PSAs, based upon these scripts and voiced by Wisconsin's seven Supreme Court justices, can be delivered at no charge to your local radio stations. Contact the Court Information Officer at 608/264-6256 or [Amanda.todd@courts.state.wi.us](mailto:Amanda.todd@courts.state.wi.us) to request this service.

## Judicial Independence

Freedom is a precious and fragile gift. It requires care. Our independent courts provide that care. I am Judge/Clerk/Attorney \_\_\_\_\_ of \_\_\_\_\_. Judges decide cases based on the facts and the law and are not swayed by political pressures or public opinion. This is called judicial independence, and it's what ensures that everyone who goes to court can expect a fair hearing. Learn more about the Wisconsin courts on the World Wide Web at [wicourts.gov](http://wicourts.gov).

## Choosing to Represent Yourself in Court

You have the right to represent yourself in court, but there are some important things to consider before making this decision. I am Judge/Clerk/Attorney \_\_\_\_\_ of \_\_\_\_\_. The Wisconsin Supreme Court is committed to making our courts as accessible as they can be and to assisting persons representing themselves. But we encourage you to think carefully before choosing to proceed without legal counsel. Can you meet deadlines? Get to the courthouse during the day? Maintain your calm in an emotional situation? Learn more about your rights and responsibilities. Visit us on the World Wide Web at [wicourts.gov](http://wicourts.gov).

## Right to Counsel

Lady Justice is blindfolded to symbolize that the law treats all people as equals - no matter their wealth, race, religion, or other personal characteristics. I am Judge/Clerk/Attorney \_\_\_\_\_ of \_\_\_\_\_. Equal justice means that every person accused of a crime has the right to legal counsel, and if the person is poor, the public pays this expense. Our Supreme Court has recognized this right in decisions dating from 1859. Learn more about how the courts safeguard every person's constitutional rights. Visit us at [wicourts.gov](http://wicourts.gov).

## Wisconsin Supreme Court: Celebrating 150 years

The Wisconsin Supreme Court is marking its 150th birthday in 2003. This Law Day, May 1, join the celebration by visiting your local courthouse. I am Judge/Clerk/Attorney \_\_\_\_\_ of \_\_\_\_\_. The Supreme Court is our state's highest court. The court's work affects not just the individuals involved in each case, but all the people of the state. Through the years, the court has issued key rulings on the rights of women and minority groups, freedom of religion, property rights, employer and employee rights, business and farm law, and much more. Visit the courts on the World Wide Web at [wicourts.gov](http://wicourts.gov).

## Wisconsin Court of Appeals: Celebrating 25 years

Before the Wisconsin Court of Appeals was created in 1978, litigants who were unhappy with the outcome in the trial court would go directly to the Supreme Court. There were so many cases that people would often wait two years for a decision. I am Judge/Clerk/Attorney \_\_\_\_\_ of \_\_\_\_\_. Our Court of Appeals is marking its 25th birthday in 2003, just as our Supreme Court marks its 150th. The Court of Appeals handles cases more quickly, saving

time and money for the litigants. Learn more about the work of the Wisconsin Court of Appeals and Supreme Court. Visit us on the World Wide Web at [wicourts.gov](http://wicourts.gov).

### **Volunteers in the Courts**

Across Wisconsin, there are 5,000 people of all ages and backgrounds making a difference as volunteers in the courts. I am Judge/Clerk/Attorney \_\_\_\_\_ of \_\_\_\_\_. Volunteer programs bring communities and courts together to improve how the justice system responds to local needs. We also rely upon members of the public to serve on court boards and committees that do a variety of work. To learn more, visit us on the World Wide Web at [wicourts.gov](http://wicourts.gov).

### **Families, Children, and Justice**

Domestic violence, child abuse and neglect, and juvenile delinquency are some of the problems that bring families to court. I am Judge/Clerk/Attorney \_\_\_\_\_ of \_\_\_\_\_. The Wisconsin court system is leading an effort to bring courts and communities together to find new ways to help families in crisis. One successful program is the unified family court that brings all cases involving a single family before one judge. This helps the judge to make the best decisions possible for each family and to track the many treatment programs and services that each family member might be involved in. Handling cases in this manner has been shown to reduce the number and duration of out-of-home placements for children. Visit the Wisconsin courts on the World Wide Web at [wicourts.gov](http://wicourts.gov).

# speaking

Below are speeches, talking points, and discussion questions courtesy of the American Bar Association (ABA). The points of view presented are those of the ABA, modified to present Wisconsin information. These are designed to help you make presentations on several topics. These points can serve as notes for speeches, a catalyst for discussion, or a handout. Talks may range from a public conversation among community members and leaders to a single speaker making a presentation in a classroom, to a moderated panel discussion.

## Judicial Independence

Our founders designed a constitutional democracy based on a system of checks and balances. An independent judiciary is a key part of that system. As Chief Justice Shirley S. Abrahamson said in her 2001 State of the Judiciary Address: “Independence is the hallmark of the judicial branch in every democratic government. The structures of democratic systems across the world differ in their executive and legislative branches with presidents, prime ministers, congresses, and parliaments. But the judiciary in all democratic systems is an indispensable constant: a separate co-equal branch of government, independent of the other two branches in the discharge of its case-deciding function. Nations around the world look to the federal and state judges in the United States for guidance as each attempts to establish a trustworthy judicial system, an indispensable component of a democratic, free government. Judicial independence, at its most basic level, rests on the requirement and expectation that judges decide cases fairly and impartially-according to the facts and the law-and that judges be insulated from pressure, however subtle or indirect, from whatever source, to do otherwise. A truly independent judiciary preserves the rule of law, the very value critical to a democracy.

A truly independent judiciary gives the homeless the same protections under the law as the wealthy. It gives those accused of common street crimes the same constitutional protections as those accused of financial fraud. It decides when the majority prevails and when the minority-any minority-stands protected against popular sentiment by the federal and state constitutions. It protects us all against the violation of anyone’s civil rights and guaranteed liberties. It protects every individual, every business, every association, regardless of the power or volume of its voice in the political arena.”

## Origins of Judicial Independence

1. Judicial independence is protected by the U.S. Constitution because the founders had first-hand experience being a persecuted minority in courts they felt were unfairly controlled by the ruling party.
2. The Declaration of Independence, in criticizing King George III for making “judges dependent upon his will alone for the tenure of their offices and the amount and payment of their salaries,” testifies to this fact.
3. This experience convinced the founders that Americans needed independent courts to be protected from unreasonable searches, star chamber trials, and other examples of overreaching government power.
4. To make the rule of law a reality, they knew that courts had to protect the rights of those promoting unpopular views, those representing minority viewpoints or factions, even

those accused of serious crimes.

### Constitutional Protections

1. In the Constitution, the founders protected judges from political pressure by specifying that they hold their office “during good behavior.” This means that their appointments are for life unless they are impeached. The Wisconsin Constitution gives the state Supreme Court justices long terms – 10 years – to protect them from the winds of politics.
2. To prevent Congress retaliating against judges, the Constitution specifies that their salaries cannot be diminished during their tenure.
3. The final constitutional safeguard is the intentional difficulty of the impeachment process – only on “impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.”
4. Judicial independence was tested in the early 1800s when Justice Samuel Chase, an ardent and outspoken Federalist, came under fire from Jeffersonians alleging that Chase had engaged in judicial misconduct. After an impeachment trial, the Senate acquitted Chase, establishing the precedent that a federal judge may not be removed from office because his or her actions on the bench are unpopular.
5. In more than 200 years, only 13 attempts have been made to formally impeach federal judges, and only seven judges have been convicted and removed from office – none because Congress disagreed with a judge’s judicial philosophy or with a particular decision.
6. Legislatures have established processes for disciplining judges short of impeachment. For example, they can be reprimanded by the chief judge of the circuit and have all work removed from them (but they retain their salary). These forms of discipline are never to be imposed because the judge has made an unpopular decision. In Wisconsin, the Judicial Commission investigates and prosecutes judges for misconduct.

### Benefits of Judicial Independence

1. It assures all Americans that cases will be decided on their merits. All litigants know that their case will be decided according to the law and the facts, not the vagaries of shifting political currents or the clamor of partisan politicians. Decisions are based on what is right and just, not what is popular at the moment.
2. Throughout American history, the independence of the judiciary has protected individual liberties and prevented a tyranny of the majority. Examples include extending voting rights, ending segregation, and protecting average citizens from unwarranted government intrusion.
3. Emerging democracies look to our system of an independent judiciary as a model. They are all too familiar with “telephone justice,” in which a judge adjourns court to wait for the call that tells him or her how to decide the case.

### Current Controversies

Despite occasional periods of tension, these protections have generally worked for more than two centuries to keep the judiciary free from partisan politics. Recently, some judges have come under fire by politicians and the general public because their decisions seem unfair or inconsistent with the public’s sense of justice. Some critics have even suggested that judges should be impeached for unfavorable rulings.

### Discussion Questions

Judges should decide cases based on their knowledge of the facts and the law. What would be the impact of allowing partisan politics to influence their decisions? What

would be the impact of allowing public opinion to sway decisions? Are televised trials a problem?

What are some examples of the positive effects of judicial independence for American society?

Obviously, any judge's decision can be criticized, and debate over decisions and the general direction of courts can be healthy. When does criticism slide over into attacks on the courts that should concern us? Is it important to support the authority of a judge to make a decision, even when a particular decision does not agree with our sense of fairness or justice?

Can we have judicial independence and judicial accountability at the same time?

Does the right to appeal decisions to higher courts suffice to correct errors?

### How the other Branches can Influence the Judicial Branch

1. The president influences the courts by nominating judges to the federal bench.
2. Congress influences the judicial branch through
  - legislation (i.e., if Congress believes the courts have misinterpreted a law, it can clarify the law; it can also pass laws altering the impact of decisions)
  - laws specifying the jurisdiction of various courts
  - laws specifying the number of judges overall and on particular courts (even the U.S. Supreme Court)
  - appropriations to allocate money to the federal courts (judges' salaries can't be diminished, but funds for supporting staff, facilities, and supplies are appropriated each year).
  - the exercise of the Senate's power to confirm the president's judge nominees.

### Discussion Questions

Is this kind of long-term influence on the bench – president nominates, Senate approves or disapproves, public votes for president and Congress – a way of generally introducing accountability into the courts? Is this appropriate?

Could these general powers be misused to inappropriately influence judges? (Examples might include President Roosevelt's "court-packing" plan of 1937, attempts to hold up approval of nominees until the next election, approving only those nominees who have passed a "litmus test" on how they might decide cases, attempts to use the power of the purse to punish courts as a whole, if not specific judges.)

In Senate hearings on a president's nominees, which questions are appropriate, and which inappropriate? Is it proper to try to determine how a judge will decide a particular kind of case? To determine his/her general judicial philosophy? How should the Senate evaluate the qualifications of prospective judges?

### State Courts

**This discussion has focused on federal courts, but the politicizing of courts is a problem in many states.**

1. Wisconsin, like many states, elects its judges. Still, about 50 percent of our judicial vacancies are initially filled by the governor, who has the power to appoint judges to fill mid-term vacancies. In recent years, well-funded campaigns in some other states have removed judges who rendered unpopular decisions. The "facts" of these decisions are often oversimplified or even distorted during the campaign. Judges often are restricted by ethical rules in replying to charges.

2. Every state has a Code of Judicial Conduct that guides judges. Wisconsin also has a Judicial Conduct Advisory Committee to help judges interpret the Code.

### Discussion Questions

Should judges be elected or appointed? If they are elected, will they feel indebted to the interest groups/political party which aided in their elections, and will that compromise their independence? Can we expect judges to render impartial decisions when lawyers who donated to their campaign funds are arguing cases in their courts? For a lesson plan on this topic, see Chapter 6 of the *Teacher's Guide to the Wisconsin Courts*.

When judges have to participate in retention elections, the public is holding them accountable for their work. But is this the best way of improving the quality of the judiciary? Will the public be swayed by emotional appeals based on a few unpopular cases?

Are the disciplinary commissions sufficient to punish judicial misconduct without impinging on judicial independence?

## Freedom of expression

1. The First Amendment has been raised to examine such issues as prayer in the schools, hate speech, school dress codes and others.
2. The Free Speech Clause of the First Amendment is intended to remove governmental constraints from public discussion and diversity of opinion, which are essential to decision-making in our democracy. The Supreme Court has interpreted "speech" to include such symbolic forms of expression as the wearing of buttons or armbands, as well as artworks and music.

In [Texas v. Johnson](http://tinyurl.com/82s4) (<http://tinyurl.com/82s4>), 491 U.S. 397 (1989) the Supreme Court held that burning the flag was a protected form of symbolic political speech. In [State v. Janssen](http://www.wicourts.gov/html/sc/97/97%2D1316.htm) ([www.wicourts.gov/html/sc/97/97%2D1316.htm](http://www.wicourts.gov/html/sc/97/97%2D1316.htm)), 580 N.W. 2d 260, 219 Wis. 2d 362 (1998), the Wisconsin Supreme Court held that a state statute that prohibited flag desecration was unconstitutional.

In [Brandenburg v. Ohio](http://tinyurl.com/82sd) (<http://tinyurl.com/82sd>), 395 U.S. 444 (1969), the Supreme Court overturned the conviction of a Ku Klux Klan leader under a statute that prohibited advocating crime to accomplish reform. The Court said that such advocacy was protected unless it used "fighting words." The Court defined "fighting words" in [Chaplinsky v. New Hampshire](http://tinyurl.com/82si) (<http://tinyurl.com/82si>), 315 U.S. 568 (1942), as those that "by their very utterance inflict injury or tend to incite an immediate breach of the peace."

In [Tinker v. Des Moines School District](http://tinyurl.com/82sq) (<http://tinyurl.com/82sq>), 393 U.S. 503 (1969), the Supreme Court held that the First Amendment protects public school students' rights to express political and social views. In this case, students had worn black armbands to protest the Vietnam War. \*See an online conversation between students and the Tinker plaintiffs ([www.abanet.org/publiced/lawday/tinker/home.html](http://www.abanet.org/publiced/lawday/tinker/home.html)).

The U.S. Supreme Court has ruled that courts can regulate noise and create a no-entry, 36-foot buffer zone around the entrance to abortion clinics without violating protesters' free speech rights.

Several states, including Wisconsin, have tried to limit offensive speech through "hate speech" laws, legal constraints on what people may communicate to one another in spoken words, in writing or through expressive conduct. In 1992, the U.S. Supreme Court found a St. Paul, Minnesota hate speech law unconstitutional because it only banned selected types of "fighting words." In 1993, the U.S. Supreme Court found the Wisconsin version of the law to



be constitutional. This ruling overturned a 5-2 decision of the Wisconsin Supreme Court in State v. Mitchell. For a summary of this case, visit the *Famous Cases* section of the court system Web site ([www.courts.state.wi.us/History/famous\\_cases.htm](http://www.courts.state.wi.us/History/famous_cases.htm)).

The First Amendment bars the government from establishing a religion and protects the free exercise of religion. The Supreme Court has often been called upon to reconcile the sometimes conflicting demands of the “free exercise” and “establishment” provisions of the First Amendment.

### Discussion Questions

When is it constitutional to limit speech? Are laws regulating “hate speech” (e.g. making racial slurs or ethnic jokes, displaying burning crosses or swastikas) unconstitutional? If so, on what grounds? How far can government go in forcing people to be “nice?” Does regulating such speech promote or inhibit diversity?

How would a constitutional amendment banning flag-burning or one allowing prayer in public schools affect the freedoms guaranteed in the Bill of Rights?

# Marbury v. Madison

## 200th Anniversary

### Judicial Review:

The power of judicial review is the authority of the Supreme Court to declare acts of Congress and the president (or the state Legislature and the governor) invalid.

Marbury v. Madison is perhaps the most important opinion in Supreme Court history. It secured the Court's power of judicial review and established the judiciary as an independent, co-equal branch of the federal government.

Feb. 24, 2003, marked the 200th anniversary of the Supreme Court's first great case, Marbury v. Madison. In commemoration of the anniversary, the ABA has produced a brief, free guide to the case for students and the public. The eight-page booklet looks at the facts of the case, the decision, and the case's legacy. It also includes teaching strategies for several grade levels and for community education.

To preview the brochure, visit [www.abanet.org/publiced/lawday/marbury.pdf](http://www.abanet.org/publiced/lawday/marbury.pdf)

## The Story

- o The time was 1800.
- o John Adams (a Federalist) lost his presidential reelection bid to Thomas Jefferson (a Republican).
- o Jefferson was to be inaugurated on March 4, 1801; Adams was not happy over his defeat
- o Before leaving his office, Adams worked with political supporters in Congress to keep control of the federal courts and as many other offices as possible. How do you think he did this?
- o At the 11th hour, Adams appointed and the Senate confirmed all 16 federal circuit court judges provided for in the Judiciary Act of 1801. Their objective was to fill all judicial positions with Federalist friends and maintain control over the judiciary.
- o On his last night in office, Adams was busily signing off on judicial appointments.
- o William Marbury was one of the 42 justices of peace appointed to the District of Columbia; Marbury's appointment, however, was among a few that were signed and sealed but not delivered before Adam's term came to an end.
- o Jefferson took office; he did not recognize Adams' appointment of Marbury as it was never delivered.
- o Marbury waited two years and still did not receive his appointment.
- o Marbury appealed to the Supreme Court for a court order demanding his appointment be delivered.
- o The basis for Marbury's appeal was that the Judiciary Act of 1789 gave the Supreme Court the power to order Secretary of State Madison to give Marbury the promised agreement.
- o The case went to the Supreme Court in February 1803; John Marshall was chief justice.
- o Chief Justice Marshall declared that Marbury had a right to his appointment as justice of the peace.
- o But Marshall began to study the Federal Judiciary Act of 1789 and reported that there was nothing the Supreme Court could do about enforcing Marbury's appointment.
- o Marshall found that the Judiciary Act of 1789 was in conflict with the Constitution. He found that the Judiciary Act gave the Supreme Court powers not granted by the Constitution. Marshall declared that the section of the Judiciary Act of 1789 that gave the Supreme Court the right to issue orders (such as in Marbury's case) was unconstitutional.
- o With this action, Marbury no longer had basis for his appeal. Marshall concluded there was no way for Marbury to get his appointment from Madison.
- o As result of this action, the Supreme Court has had the power to overrule acts of Congress if they are unconstitutional. This became known as judicial review.

courtesy of the american bar association

# legal advice

## Guidelines for Giving Free Legal Advice

Those counties choosing to offer free legal advice clinics should keep in mind the following:

People seeking advice may assume that by talking with the attorney they have retained that person. It is important to make it clear at the outset that the attorney is not representing them.

Attorneys giving advice may or may not choose to offer their business cards. That is entirely up to the individual attorney.

Brochures designed to help people access the State Bar's Lawyer Referral Service are available at no charge. See page 91.

A number of other resources are available to people who need help. See page 44 for referral information.

## Legal Advice Disclaimer

This is a legal advice service provided free of charge on Law Day. Although I will not be your personal attorney, I will provide what information I can. Information will be general in nature since it is not possible to analyze all the facts of your case over the phone/in a short meeting. If you desire a personal attorney, you will receive information about how to find one.

[ Lawyer Referral &  
Information Service ]  
of the State Bar of Wisconsin

800/362-9082 or  
608/257-4666

**Monday - Thursday**  
7:30 a.m. - 6 p.m.

**Friday**  
7:30 a.m. - 3 p.m.

# resources

## **Agency/Organization Telephone Numbers:**

Advocacy, Coalition for  
608/267-0214 (Madison)  
414/342-8700 (Milwaukee)

## **Aging and Long Term Care, Board on**

608/266-8944  
800/242-1060

## **Agriculture, Trade & Consumer Protection**

800/422-7128  
715/839-3848 (Eau Claire)  
920/448-5110 (Green Bay)  
608/224-4960 (Madison)  
414/266-1231 (Milwaukee)

## **ACLU (American Civil Liberties Union)**

414/272-4032

## **Attorney General's Office**

608/266-1221

## **BAPR (see Lawyer Regulation, Office of)**

## **Battered Women, Dane County Advocates for**

608/251-4445 (crisis line & shelter)  
800/747-4045

## **Briarpatch (juvenile runaway & abuse counseling)**

608/251-1126

## **Business Information**

800/435-7287 (Wisconsin Department of Commerce Business Helpline)  
608/263-2221 (UW Business School, Small Business Development Center)  
608/263-7680 (UW Business School, Business Counseling Line)  
608/250-6006 (State Bar Association Business Assistance Program)  
608/264-5261 (Federal Small Business Administration)

## **Child Support; refer to local office.**

## **City Attorney; refer to local office.**

## **Clerk of Circuit Court; refer to local office.**

**Consumer Protection** (Justice Department; see also "Agriculture, Trade and Consumer Protection")  
608/266-1852

## **Credit Counseling Service**

608/252-1334

## **Crisis Intervention Center (24-hour rape, suicide hotline)**

608/280-2600

## **District Attorney; refer to local office.**

## **Elder Law Center**

800/488-2596 (guardianship hotline)  
608/224-0660

## **Equal Employment Opportunity Commission**

800/669-4000  
414/297-1111 (Milwaukee)  
608/266-4910 (Madison)

## **Equal Rights Division (Wisconsin Department of Work force Development)**

920/836-5153 Civil Rights Bureau  
920/832-5301 Labor Standards Bureau  
608/266-6860 (Madison)  
920/832-5302 (Menasha)  
414/227-4384 (Milwaukee)

## **Family Court; refer to local office.**

Financial Institutions, Wisconsin Department of  
800/452-3328 (Consumer Act section)  
608/266-1621 (Madison)

## **Health and Family Services, Wisconsin Department of**

608/267-3905 (Div. of Children & Family Services)

## **Humane Society; refer to local office**

## **Institutionalized Persons, Legal Assistance to**

608/262-1002

## **Insurance Commissioner**

800/236-8517, or 608/266-0103 (Madison)

**Internal Revenue Service**

800/829-1040

**Judicial Commission**

608/266-7637

**Juvenile Court**; refer to local office.**Lawyer Referral and Information Service**

800/362-9082, or 608/257-4666 (Madison)

also try [www.wsll.state.wi.us/selfhelp.html](http://www.wsll.state.wi.us/selfhelp.html) for information on how to choose a lawyer and for answers to common legal questions.**Lawyer Regulation, Office of**

877/315-6941 (toll free)

**Mail Fraud - U.S. Postal Service**

608/246-1297

**Medical Assistance Hotline**

800/362-3002; or 608/221-5720 (Madison)

**Mental Health Center of Dane County**

608/280-2700

**Mental Health Clients' Legal Advocates**

608/255-6627

**Motor Vehicles Division (Wisconsin Department of Transportation)**

608/266-0765 (consumer complaints)

608/266-2353 (driver records)

608/266-2261 (suspension/revocation)

**Municipal Court**; refer to local office.**National Labor Relations Board**

414/297-3861

**Parental Stress Center**

608/241-2221

**PICADA (Prevention & Intervention Center for Alcohol and other Drug Abuse)**

608/246-7600

**Public Service Commission**

800/225-7729, or 608/266-2001 (Madison)

**Regulation & Licensing, Wisconsin Department of**

608/266-2112

**Small Claims Court**; refer to local office.**Tenant Resource Center (for tenants & landlords)**

608/257-0006

**Traffic Court**; refer to local office.**Unemployment Compensation**

608/232-0678

**Veterans' Services**

800/827-1000 (federal regional office)

608/266-1311 (state)

608/266-4158 (Dane County)

**Workers' Compensation**

608/266-1340

**Workforce Development, Wisconsin Department of**

608/266-3035 (Economic Support Division)

# mock trial

## THE CASE OF MARY'S MISSING LUNCH

Mary Peabody, Plaintiff  
v.  
Virgil Goodman, Defendant

Developed by: Kathryn and Steven Tillery

---

### Approximate time required:

Two hours

### Participants in trial:

Judge Johnson  
Bailiff  
Court reporter  
Plaintiff.....Mary Peabody  
Plaintiff's lawyer  
Defendant.....Virgil Goodman  
Defendant's lawyer  
Witness 1.....Miss Leigh Laughlin, third grade teacher  
Witness 2.....Molly Murphy  
Witness 3.....Harry Hart  
Witness 4.....Ralph Jones  
Jury.....12 classmates or the rest of the class  
with one designated as the jury leader.

### Props:

Yellow lunch box  
an empty juice box  
three tables  
seven chairs

## The Case of Mary's Missing Lunch

- BAILIFF:** All rise. This circuit court of \_\_\_\_\_ County is now in session with the Honorable Judge Johnson presiding.
- JUDGE:** Ladies and gentlemen of the jury, this case involves the disappearance of Mary Peabody's lunch from her lunch box. In this case, Miss Peabody, who is a third grader at \_\_\_\_\_ School is the plaintiff and Virgil Goodman who is also a third grader at \_\_\_\_\_ School is the defendant. Mary Peabody is asking you to decide whether Virgil Goodman stole her lunch from her lunch box, leaving only a banana peel and a few crumbs. Miss Peabody's lawyer, do you wish to make an opening statement?
- PLAINTIFF'S LAWYER:** The evidence in this case will prove that on Friday, April 18, Virgil Goodman took my client's yellow lunch box from the classroom basket while taking the basket from the third grade classroom to the cafeteria. When Mary Peabody opened her lunch box in the cafeteria, her peanut butter sandwich, her bag of potato chips and her juice box were missing. The only things left in the lunch box were a few crumbs and a banana peel.
- DEFENDANT'S LAWYER:** Ladies and gentlemen of the jury, my client, Virgil Goodman, has been wrongly accused of stealing Mary Peabody's lunch. He was asked by Miss Laughlin to carry all of the lunch boxes to the cafeteria on April 18. He did carry them down to the cafeteria but did not eat Mary Peabody's lunch.
- JUDGE:** Plaintiff's lawyer, please call your first witness.
- PLAINTIFF'S LAWYER:** I call Mary Peabody to the witness stand.
- COURT REPORTER:** (to the witness) Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?
- MARY PEABODY:** Yes
- PLAINTIFF'S LAWYER:** Please state your name.
- MARY PEABODY:** Mary Peabody.
- PLAINTIFF'S LAWYER:** Where do you go to school?
- MARY PEABODY:** I'm a third grader at \_\_\_\_\_ School.
- PLAINTIFF'S LAWYER:** Could you describe the lunch that you brought to school on April 18?
- MARY PEABODY:** I brought a banana, a juice box, potato chips and a peanut butter sandwich in my yellow lunch box.
- PLAINTIFF'S LAWYER:** What was in the lunch box when you opened it in the cafeteria?
- MARY PEABODY:** Some crumbs and a banana peel.
- PLAINTIFF'S LAWYER:** Mary, I hand you what is marked as Exhibit #1 and ask if this is your lunch box that you found empty on April 18 in the cafeteria.
- MARY PEABODY:** Yes, it is.
- PLAINTIFF'S LAWYER:** I move that Exhibit #1 be admitted into evidence.
- JUDGE:** Exhibit #1 is admitted into evidence.
- PLAINTIFF'S LAWYER:** That's all, your honor.

## SECTION EIGHT: MOCK TRIAL SCRIPTS

JUDGE: Defense Counsel. Do you want to cross-examine Miss Peabody?

DEFENDANT’S LAWYER: Mary, you didn’t actually see Virgil Goodman eat your lunch, did you?

MARY: No, I guess not.

DEFENDANT’S LAWYER: No further questions, your honor.

JUDGE: Plaintiff’s counsel, you may call your next witness.

PLAINTIFF’S LAWYER: I call Miss Leigh Laughlin to the stand.

COURT REPORTER: (to the witness) Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MISS LAUGHLIN: I do.

PLAINTIFF’S LAWYER: State your name.

MISS LAUGHLIN: Leigh Laughlin.

PLAINTIFF’S LAWYER : What is your occupation?

MISS LAUGHLIN: I am a teacher at \_\_\_\_\_ School, grade three A.

PLAINTIFF’S LAWYER: On April 18 did you have two students in your class named Mary Peabody and Virgil Goodman?

MISS LAUGHLIN: Yes.

PLAINTIFF’S LAWYER: Do you think they are good students?

DEFENDANT’S LAWYER: Objection! The question is not relevant to the case.

JUDGE: Objection sustained.

PLAINTIFF’S LAWYER: Did you ask Virgil Goodman to take Mary’s lunch box to the cafeteria on April 18?

MISS LAUGHLIN: Yes, along with the rest of the class’ lunch boxes. They were all in a basket.

PLAINTIFF’S LAWYER: About how long was Virgil gone from the classroom?

MISS LAUGHLIN: About five minutes.

PLAINTIFF’S LAWYER: How far is it to the cafeteria from your classroom?

MISS LAUGHLIN: Down two flights of stairs.

PLAINTIFF’S LAWYER: When Virgil returned to the class did anything unusual happen?

MISS LAUGHLIN: Yes. He and Joseph Cool started giggling and I had to write their names on the board.

PLAINTIFF’S LAWYER: I have no further questions, your honor.

JUDGE: Do you wish to cross-examine, defense counsel?

DEFENDANT’S LAWYER: Yes. Miss Laughlin, you don’t know why my client and Joseph Cool were giggling, do you?

MISS LAUGHLIN: No.



DEFENDANT'S LAWYER: How many other people could have touched Mary's lunch box while it was in the cafeteria?

MISS LAUGHLIN: Oh, I don't know, probably anyone in the kindergarten, first or second grades who all eat before we do.

DEFENDANT'S LAWYER: Thank you. That's all, your honor.

JUDGE: You may be excused, Miss Laughlin. Next witness.

PLAINTIFF'S LAWYER: I call Molly Murphy to the stand.

COURT REPORTER: (to the witness) Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MOLLY MURPHY: I do.

PLAINTIFF'S LAWYER: State your name.

MOLLY MURPHY: Molly Murphy.

PLAINTIFF'S LAWYER: Do you know Virgil Goodman?

MOLLY MURPHY: Yes, he is in my class.

PLAINTIFF'S LAWYER: Did you notice anything unusual about him on April 18?

MOLLY MURPHY: I noticed he had peanut butter on his mouth!

PLAINTIFF'S LAWYER: No further questions.

DEFENDANT'S LAWYER: Miss Murphy, did you notice this peanut butter on Virgil before or after lunch on April 18?

MOLLY MURPHY: I don't remember.

DEFENDANT'S LAWYER: I have no further questions.

JUDGE: You may be excused. Any more witnesses?

PLAINTIFF'S LAWYER: Just one. I call Harry Hart to the stand.

COURT REPORTER: (to the witness) Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

HARRY HART: I do.

PLAINTIFF'S LAWYER: State your name.

HARRY HART: Harry Hart.

PLAINTIFF'S LAWYER: Harry, do you work at \_\_\_\_\_ School?

HARRY HART: Yes, I am the maintenance man.

PLAINTIFF'S LAWYER: Did you find anything when you cleaned the boys bathroom on April 18?

HARRY HART: Yes, I found an empty juice box in the trash can.

## SECTION EIGHT: MOCK TRIAL SCRIPTS

PLAINTIFF'S LAWYER: Harry, I hand you what is marked as Exhibit #2 and ask if you can identify this.

HARRY HART: Yes, this is the empty juice box that I found in the boys trash on April 18.

PLAINTIFF'S LAWYER: I move that Exhibit #2 be admitted into evidence.

JUDGE: Exhibit #2 is offered into evidence. Do you want to cross-examine this witness, defense counsel?

DEFENDANT'S LAWYER: Yes. Harry, what time did you find the empty carton?

HARRY HART: When I cleaned up after school – about 4 p.m.

DEFENDANT'S LAWYER: You have no idea who put it there, do you?

HARRY HART: No.

DEFENDANT'S LAWYER: Nor do you know when it was put there?

HARRY HART: I know it was not there when I cleaned on April 17.

JUDGE: Thank you, you are dismissed.

PLAINTIFF'S LAWYER: Plaintiff rests her case.

JUDGE: Defense counsel, you may present your case to the jury.

DEFENDANT'S LAWYER: I call Virgil Goodman to the stand.

COURT REPORTER: (to the witness) Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

VIRGIL GOODMAN: I do.

DEFENDANT'S LAWYER: State your name.

VIRGIL GOODMAN: Virgil Goodman.

DEFENDANT'S LAWYER: Virgil, did you eat a peanut butter sandwich, a banana and potato chips and drink a box of juice from Mary Peabody's lunch on April 18?

VIRGIL GOODMAN: No.

DEFENDANT'S LAWYER: Did you get your name on the board that day?

VIRGIL GOODMAN: Yes.

DEFENDANT'S LAWYER: Why?

VIRGIL GOODMAN: Joseph and I were talking in class.

DEFENDANT'S LAWYER: What were you talking about?

VIRGIL GOODMAN: I don't remember.

DEFENDANT'S LAWYER: That's all. I have no further questions.

JUDGE: Plaintiff's counsel, do you have any cross-examination of this witness?

PLAINTIFF'S LAWYER: No.

JUDGE: Next witness, please.

DEFENDANT'S LAWYER: I call Ralph Jones.

COURT REPORTER: (to the witness) Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

RALPH JONES: I do.

DEFENDANT'S LAWYER: State your name.

RALPH JONES: Ralph Jones.

DEFENDANT'S LAWYER: Do you know Virgil Goodman?

RALPH JONES: Yes.

DEFENDANT'S LAWYER: Is he a thief?

PLAINTIFF'S LAWYER: Objection!

JUDGE: Sustained.

DEFENDANT'S LAWYER: Did you eat lunch with Virgil on April 18?

RALPH JONES: Yes.

DEFENDANT'S LAWYER: What did Virgil eat?

RALPH JONES: He had a peanut butter sandwich and some other stuff. He ate his whole lunch and part of mine. He was real hungry!

DEFENDANT'S LAWYER: No further questions.

JUDGE: You may be dismissed. Any further witnesses?

DEFENDANT'S LAWYER: No.

PLAINTIFF'S LAWYER: No.

JUDGE: Plaintiff's counsel, would you care to make a closing argument to the jury?

PLAINTIFF'S LAWYER: Your honor, ladies and gentlemen of the jury, the evidence you have heard proves that Virgil Goodman had possession of Mary Peabody's lunch box after he left the classroom on the second floor on April 18. The evidence also shows that when Mary opened her lunch box in the cafeteria all that was left were a few crumbs and a banana peel. You heard Molly Murphy saw peanut butter on Virgil's mouth and that Virgil and Joseph Cool were "giggling" about something when he returned from the cafeteria. Don't you think it was about a trick he had played on Mary? You also know that Harry Hart found an empty juice box in the boys' bathroom later that day. I ask you to do the right thing and bring back a verdict in favor of Mary Peabody and against Virgil Goodman.

JUDGE: Defense counsel, do you wish to address the jury?

DEFENDANT'S LAWYER: Yes, your honor. Ladies and gentlemen of the jury, Virgil is an innocent guy. Do you think he could take a basket full of lunch boxes down two flights of stairs, eat all of Mary's lunch, go to the boys bathroom and still get back upstairs in just five minutes? Do you think he could eat Mary's lunch, then eat his own

and part of Ralph Jones' lunch too? He might be a hungry boy, but nobody is that hungry! Molly Murphy said he had peanut butter on his mouth but she didn't know if that was before or after he ate his own peanut butter sandwich. Plenty of kids could have eaten Mary's lunch. Remember, Miss Laughlin said all the kindergarten, first and second grade kids eat their lunch in the cafeteria before the third grade does. I ask you to do the right thing and bring back a verdict in favor of Virgil Goodman and against Mary Peabody.

JUDGE:

Jurors, you will now retire to the jury room to deliberate. First select a leader of your group. When you have reached a verdict, please let the bailiff know. [The judge might choose to expand upon this jury instruction]. Bailiff, please take charge of the jury.

**Recommendation:** If you choose to pick 12 jurors, have them go to the back of the class to deliberate. They can only ask questions of the judge. If you choose to use the rest of the class, have the actors wait outside the class during deliberations.

# PEOPLE v. DOROTHY GALE

A mock trial script appropriate for 3rd through 6th grade students.

Dorothy Gale, Plaintiff  
v.  
The People of Oz, Defendant

Developed by: Donna Schmidt  
Printed courtesy of the Illinois State Bar Association

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People v. Dorothy Gale is the story of the little girl from Kansas, and more notably from “The Wizard of Oz,” who is put on trial for the murder of the Wicked Witch of the West.

**Method of murder:**

Water-soaking

**Participants in Trial:**

Judge  
Defense Attorney  
Dorothy Gale  
Prosecutor

**Witnesses:**

The Scarecrow  
The Palace Guard  
The Wizard of Oz

(Toto was not named as a co-conspirator in the murder)

## SECTION EIGHT: MOCK TRIAL SCRIPTS

**JUDGE:** At this time, the Prosecution may make an opening statement if it so desires.

**PROSECUTOR:** Thank you, your Honor. May it please the Court. Ladies and gentlemen, at this time I will be making my opening statement to you. My opening statement and the opening statement of the defense attorney are made for the purpose of telling you what each of us believe the evidence of this case will show. What I say and what the defense attorney says at this time is not evidence. Instead, it is what we believe the evidence will show. In other words, our opening statements are designed to help you understand the evidence which will be presented.

The Prosecution believes that the evidence will show that Dorothy is guilty of murdering the Witch of the West. The testimony will show that Dorothy, along with her three adventuring friends, was willing to do anything to get what she wanted. Dorothy has stated repeatedly that she would have done anything to go home. We believe that the evidence will show that Dorothy was even willing to murder to get home.

The first witness we will call will be the former Wizard of Oz. The Wizard will testify that he was approached by the Defendant, Dorothy Gale, and her three friends and that they readily accepted the task of murdering the Witch of the West. The Wizard will tell you that Dorothy knew and gladly accepted the challenge of killing the Witch and that she went to the Witch's castle with the intent of killing the Witch.

We will also call as a witness, the Witch of the West's security guard, the Evil Troll. The Troll will testify that there had been an ongoing dispute between the Witch of the West and Defendant, Dorothy, regarding a pair of Ruby Slippers. A pair of slippers which rightfully belonged to the Witch of the West. The Troll will testify that the Witch's castle was invaded by Dorothy and her three friends and that Dorothy drenched the Witch with a pail of water knowing full well that water is deadly to Witches. The Troll will also testify that once Dorothy had slain and murdered the Witch, she was so glad that she left the castle triumphantly singing "Ding Dong the Witch is Dead."

We believe that the evidence will show you that Dorothy went to the Witch's castle for the sole purpose of killing the Witch and that she, in fact, did kill the Witch. At the close of all evidence, we, the Prosecution, will be asking the jury to return a verdict against the Defendant, Dorothy Gale, finding her guilty of the crime of murder.

**JUDGE:** (To the defense attorney) You may now make an opening statement, if you so desire.

**DEFENSE ATTORNEY:** Thank you your Honor. My name is \_\_\_\_\_ and I am presenting Dorothy's defense in this case. Like the Prosecutor told you, our opening statements are not evidence. The only facts which you can consider in making your decision are the facts which you hear from the witness stand today. You may not consider anything other than the testimony that you hear today in this courtroom.

We, the Defense, believe that the evidence will show you that Dorothy did not intend to kill the Witch of the West. Instead, when Dorothy threw the pail of water, she merely tried to save the life of her friend the Scarecrow. The evidence will show you that the Witch of the West had lit the Scarecrow's arm on fire and that he was burning up when Dorothy reached for the water.

When Dorothy threw the pail of water, her intent was to save the Scarecrow. We, the Defense, do not believe that Dorothy's act of saving the Scarecrow in any way makes her guilty of murdering the Witch of the West. We believe that once you have heard all of the evidence from the witness stand today, you will find Dorothy not guilty of the charge of murder.

**JUDGE:** This concludes the opening statements of the attorneys. At this time, the Prosecution may call its first witness.

**PROSECUTOR:** Your Honor, the Prosecution calls Mr. Willard O. Oz as its first witness. (witness is sworn by clerk and is seated) Please state your name.

**MR. OZ:** My name is Willard O. Oz

**PROSECUTOR:** What is your occupation?

- MR. OZ: I used to be the Wizard of the Province of Oz, but now I sell potions and various tonics out of my travelling cart in the state of Kansas.
- PROSECUTOR: Are you familiar with the defendant, Dorothy Gale?
- MR. OZ: Well, I wasn't until about three months ago. While I was in my Wizard Room, Dorothy and three of her friends approached me. I had heard of Dorothy before and had been told that she had just killed the Witch of the East.
- DEFENSE ATTORNEY: Objection, your Honor! This is hearsay. The witness does not know whether or not Dorothy killed the Witch of the East!
- JUDGE: I agree. The objection is sustained. A witness cannot testify to events that he or she has only heard about. A witness must have first-hand knowledge of events if the witness is to testify about those events. (To Prosecution) You may proceed.
- PROSECUTOR: Please tell us about your first meeting with the defendant, Dorothy Gale.
- MR. OZ: Like I was saying, Dorothy and three of her friends, the Straw Man, The Tin Man, and the Lion, approached me. They all seemed to want me to do them some kind of favor.
- PROSECUTOR: What kind of favors were they asking for?
- MR. OZ: Very strange favors indeed. The Straw Man wanted a brain, but it was obvious he already had one. The Tin Man wanted a heart, but it was clear to me that he already cared for other people. And, the Lion wanted courage, even though he was brave enough to approach me. Dorothy's request was the strangest one of all. She stated that she wanted to go home. But, she was wearing the Ruby Slippers. Everyone knows that the person who wears the Ruby Slippers can go anywhere they want, just by wishing.
- PROSECUTOR: Did you think that Dorothy and her three friends were really wanting something other than their requests?
- MR. OZ: Oh, definitely. In the Province of Oz, whoever kills a Wicked Witch is instantly a public hero. A Witch slayer is vastly rewarded.
- PROSECUTOR: Did you suggest to Dorothy that she murder the Witch of the West?
- MR. OZ: No, I did not. I told Dorothy that I would grant her favors if she brought me the Witch's broomstick. After I told Dorothy and her three adventuring friends that I wanted the broomstick, they left.
- PROSECUTOR: Did you see Dorothy and her three co-conspirators again?
- DEFENSE ATTORNEY: Objection, your Honor! Dorothy is presumed to be innocent of these charges. Referring to her as a conspirator should not be allowed.
- JUDGE: I agree. The objection is sustained. When a defendant is placed on trial, that person is considered to be innocent of the charges brought against him or her. Once trial has begun, the law considers the person placed on trial innocent until a jury determines otherwise. (To Prosecutor) You may proceed.
- PROSECUTOR: Did you see Dorothy and her three companions again?
- MR. OZ: As a matter of fact, I did. The very next day, Dorothy and her three companions came to my Wizard Chamber carrying the Witch's broom. Dorothy proudly announced "We melted the Witch of the West." I knew at that point that the four of them had killed the Witch.
- PROSECUTOR: What, if anything, did Dorothy do then?

## SECTION EIGHT: MOCK TRIAL SCRIPTS

- MR. OZ: She demanded payment. Since she had killed the Witch, she asked me to take her home.
- PROSECUTOR: I have no further questions at this time.
- JUDGE: (To defense attorney) You may cross-examine.
- DEFENSE ATTORNEY: Mr. Oz, isn't it true that you were forced to resign from your position as Wizard?
- MR. OZ: Well, yes, it is. After Dorothy had killed the Witch, there was such a scandal that I was forced to resign.
- DEFENSE ATTORNEY: Isn't it true that the reason for this scandal is that you were blamed for the death of the Witch?
- MR. OZ: Well, yes. Certain people were blaming me but it wasn't my fault. I never thought that Dorothy would actually go and kill the Witch!
- DEFENSE ATTORNEY: Isn't it also true, Mr. Oz, that the Prosecution has agreed not to prosecute you for the murder of the Witch in exchange for your testimony against Dorothy today?
- PROSECUTOR: Objection, your Honor! None of this is relevant to whether Dorothy is guilty of the murder of the Witch of the West.
- JUDGE: I disagree. Your objection is overruled. An attorney may ask the witness questions that would show reasons why a witness might not be telling the truth. The question regarding the Prosecution's agreement not to prosecute the Wizard is a valid and good question. (To the witness) You may answer the question.
- MR. OZ: Well, yes. The Prosecution told me that if I testified against Dorothy here today, I would not be charged with causing the Witch's death.
- DEFENSE ATTORNEY: So, in other words, by testifying against Dorothy, you get off scot-free?
- MR. OZ: Well, yes. I suppose that might be true. But I am telling the truth here today.
- DEFENSE ATTORNEY: I have no further questions at this time.
- JUDGE: (To Prosecutor) you may call your next witness.
- PROSECUTOR: The Prosecution calls Evil Troll as its next witness. (Evil Troll is sworn by the Clerk and is seated) Please state your name and occupation.
- TROLL: I am Evil Troll. I used to be head of security at the Witch of the West's castle, but since her death, I've been unemployed. Not many people are looking for a security troll these days.
- PROSECUTOR: Are you acquainted with the Defendant, Dorothy Gale?
- TROLL: Yes, I am. Dorothy was a guest at the Witch of the West's castle about three months ago.
- PROSECUTOR: Do you know why she was a guest at the castle?
- TROLL: Yes. There was a dispute between the Witch of the West and Dorothy over the ownership of a pair of ruby slippers. Dorothy had taken a pair of ruby slippers from the Witch of the East after Dorothy's house had smashed that Witch.
- PROSECUTOR: Did you know who the Witch of the East was?
- TROLL: Sure. Everyone knows that the Witch of the East was the Witch of the West's sister.
- PROSECUTOR: Do you know whether the Witch of the West wanted her sister's ruby slipper returned to her?



TROLL: Why of course she did. They were her sister's prize possession. She wanted them for sentimental reasons.

PROSECTOR: Did the Witch of the West ask Dorothy to return the slippers?

TROLL: Absolutely. But, Dorothy flatly refused. When the Witch of the West tried to touch the ruby slippers, Dorothy used their magic to shock the Witch of the West.

PROSECTOR: Did the Witch of the West do anything else to get the slippers?

TROLL: Yes. She tried to scare Dorothy a little bit by sitting her in a room and telling her that she had one hour to turn the slippers over. The Witch even set out an hourglass to tell when the time was up.

PROSECTOR: What happened at the end of that hour?

TROLL: Well, there was a whole lot of confusion. The castle was suddenly invaded by the Straw Man, the Tin Man and the Lion. There was a lot of confusion and that's when it happened.

PROSECTOR: That's when what happened?

TROLL: Well, Dorothy grabbed a pail of water and threw it on the Witch.

PROSECTOR: Is water fatal to witches?

TROLL: Why, yes. Everyone in Oz knows that water will melt a witch!

PROSECTOR: After Dorothy killed the Witch, did she do anything else?

TROLL: Yes, she took the broomstick from what was left of the Witch of the West and marched out of the castle singing "Ding Dong the Witch is Dead."

PROSECTOR: I have no further questions.

JUDGE: (to Defense Attorney) You may cross-examine the witness.

DEFENSE ATTORNEY: Didn't the Witch of the West, in fact, threaten to kill Dorothy if she did not turn over the ruby slippers?

TROLL: Well, yes. But she didn't really mean it. She was just trying to scare Dorothy into turning the slippers over.

DEFENSE ATTORNEY: And isn't it true that the Witch of the West told Dorothy that she was going to kill Dorothy's little dog, Toto, as well?

TROLL: Well, yes. The Witch did say those things, but she was very upset. You realize that the slippers rightfully belonged to the Witch of the West and Dorothy just wasn't giving them back.

DEFENSE ATTORNEY: And then the Straw Man, whom we also know as Scarecrow, the Tin Man and the Lion came into the castle, isn't it true that the Witch set the Straw Man, on fire?

TROLL: She did, but all the Witch of the West was really trying to do was to scare Dorothy into turning the ruby slippers over.

DEFENSE ATTORNEY: And wasn't Dorothy only trying to put out the fire on the Straw Man when she threw the water?

PROSECUTOR: Objection! The witness has no way of knowing what Dorothy was thinking when she threw the water.

JUDGE: I agree. This objection is sustained. A witness cannot testify about what another person might have been thinking. A witness can only testify about facts and cannot speculate about what another person's

## SECTION EIGHT: MOCK TRIAL SCRIPTS

thoughts might be.

DEFENSE ATTORNEY: When Dorothy threw the water, was the fire on the Straw Man put out?

TROLL: Yes, it was. The fire was completely extinguished but the poor Witch of the West was completely liquidated.

DEFENSE ATTORNEY: I have no more questions.

JUDGE: (To Prosecutor) You may call your next witness.

PROSECUTOR: The Prosecution rests its case, your Honor.

JUDGE: (To Defense Attorney) You may call your first witness.

DEFENSE ATTORNEY: The Defense calls the Scarecrow as its first witness. (Scarecrow is sworn by the clerk and is seated) Please tell us your name and how you are employed.

SCARECROW: I am the Scarecrow. I am currently employed by the University of Oz as Professor of Philosophy. After the former Wizard gave me a diploma, I became qualified to teach in all areas of higher learning.

DEFENSE ATTORNEY: Do you recall how you first met Dorothy?

SCARECROW: Quite vividly. I was just hanging around the Yellow Brick Road and Dorothy just happened to pass by. She helped me down from my post and the two of us went off to find the Wizard of Oz.

DEFENSE ATTORNEY: On your way to find the Wizard, did anything strange happen?

SCARECROW: Why, yes. Something terrible happened. The Wicked Witch of the West flew in on her broom and told Dorothy that she would kill her unless Dorothy gave up the ruby slippers.

DEFENSE ATTORNEY: Did the Witch do anything else?

SCARECROW: Yes. She threw a fireball straight at me. Fortunately, I jumped out of the way, but fire is the one thing that really burns me up.

DEFENSE ATTORNEY: Did you, in fact, visit the Wizard of Oz?

SCARECROW: Yes, we did. Dorothy, the Tin Man, the Lion, and I all went to the Wizard Chambers. The Wizard told us that he would grant our wishes if we brought him the broomstick of the Wicked Witch of the West.

DEFENSE ATTORNEY: Did the four of you try to get the broomstick from the Witch of the West?

SCARECROW: Well, we started to, but on the way Dorothy was kidnapped and taken prisoner by the Witch's palace guard. At that point, the Tin Man, the Lion, and I only wanted to get Dorothy out of the Witch's castle alive.

DEFENSE ATTORNEY: What did you do to get Dorothy out of the castle?

SCARECROW: Well, we took some clothes from the Witch's palace guard and snuck in. After we got there, the Witch found us and told Dorothy that she was going to kill me, the Tin Man, the Lion, and then Dorothy last.

DEFENSE ATTORNEY: Did the Witch do anything to make you think she was going to kill you?

SCARECROW: She certainly did! She lit my arm on fire and I started to burn up in a hurry. You know that dry straw doesn't last long once it's lighted.

DEFENSE ATTORNEY: Will you please tell us what happened next?

- SCARECROW: Well, it was pretty clear that I would not have lasted long with my entire arm on fire, so Dorothy grabbed a pail of water and threw it on my arm to put the fire out. My arm was saved but some of the water splashed the Wicked Witch of the West in her face and she melted right there on the spot. That's how it all happened. I swear it's the truth.
- DEFENSE ATTORNEY: I have no more questions of this witness.
- JUDGE: (To Prosecutor) You may cross-examine.
- PROSECUTOR: Didn't you know that it would be difficult to get the Witch of the West to give up her broom?
- SCARECROW: Yes. When the Wizard asked us to bring him the broom of the Witch of the West, I knew that we had our work cut out for us.
- PROSECUTOR: You, in fact, stated that your group would have to kill the Witch in order to get her broomstick, didn't you?
- SCARECROW: Well, yes. I did say that. But, we really didn't want to kill her.
- PROSECUTOR: You, in fact, knew that Dorothy desperately wanted to get home?
- SCARECROW: That's true. She wanted to get home. And Dorothy would have done almost anything to get back home. She knew that her Aunt Em was very worried.
- PROSECUTOR: Dorothy, in fact, was even willing to go into the Witch's castle to get the broomstick?
- SCARECROW: Oh, yes. She wanted to go home that badly.
- PROSECUTOR: And you knew that to get the broomstick from the Witch, the Witch would, in fact, have to be killed.
- SCARECROW: Well, that is what I thought, but I was hoping that we could get the broomstick without killing the Witch...or having her kill us!
- PROSECUTOR: Did either you or Dorothy call an ambulance for the Witch after she was struck with the water?
- SCARECROW: No, we thought that it was too late.
- PROSECUTOR: But it wasn't too late to grab her broomstick and take it to the Wizard of Oz, was it?
- DEFENSE ATTORNEY: Objection! The Prosecution is not asking questions. He/She is arguing with the witness.
- JUDGE: I agree. The objection is sustained. An attorney may only ask a witness questions. The attorney may not argue with the witness.
- PROSECUTOR: I have no further questions.
- JUDGE: (To Defense Attorney) You may call your next witness.
- DEFENSE ATTORNEY: The Defense calls the defendant, Miss Dorothy Gale. (Dorothy is sworn by the clerk and is seated) Could you please state your name for the record?
- DOROTHY: My name is Dorothy Gale. I live on a farm in Kansas.
- DEFENSE ATTORNEY: When you arrived in the Land of Oz, did you happen to meet the Good Witch of the North?
- DOROTHY: Yes, I did. She was very beautiful. She came down and waved her magic wand and suddenly I was

## SECTION EIGHT: MOCK TRIAL SCRIPTS

wearing the ruby slippers.

DEFENSE ATTORNEY: Did you know what the ruby slippers were or to whom they belonged?

DOROTHY: No, not really. I think that they came from the Witch of the East, but I wasn't sure. All I know is that the Good Witch of the North told me that I was never supposed to take the ruby slippers off my feet.

DEFENSE ATTORNEY: Was there anything particular that you wanted after you found yourself in the Land of Oz?

DOROTHY: Yes, there was. I wanted to go home. The people in the Land of Oz are really nice. But what I really wanted was my family. I knew that Aunt Em would be very worried about me.

DEFENSE ATTORNEY: Did you ask anyone about how to get home?

DOROTHY: Well, yes, I did. I asked the Munchkins and they told me that I would have to talk to the Wizard of Oz. I started following the Yellow Brick Road and along the way I met the Scarecrow, the Tin Man, and the Lion. We all then went to the Emerald City and asked for an audience with the Wizard of Oz.

DEFENSE ATTORNEY: Did the Wizard actually give us an audience?

DOROTHY: Yes, he did. We were all very afraid because the Wizard's chamber was very dark and there was a lot of fire and noise.

DEFENSE ATTORNEY: Did the Wizard tell you that he would help you get home?

DOROTHY: Yes, he did. But he said he wanted us to do him a small favor before we could go home. He asked that we bring him the broomstick of the Witch of the West.

DEFENSE ATTORNEY: Did you think that getting the Witch's broomstick would be an easy task?

DOROTHY: Oh, no. Not at all. I had met the Witch before and she had been very mean to me. But, I really wanted to go home so I was going to try to get her broomstick.

DEFENSE ATTORNEY: How did you finally arrive at the Witch's castle?

DOROTHY: Well, the four of us started off by walking toward the castle but then all of a sudden the Witch's palace guards swooped me up into the sky and carried me to the castle.

DEFENSE ATTORNEY: What happened at the castle?

DOROTHY: Well, the Witch told me that she wanted the ruby slippers and told me that she would kill Toto, my dog, unless I gave them to her. I told the Witch that she could have the slippers, but when she tried to take them, the slippers gave the Witch a magic shock.

DEFENSE ATTORNEY: What did the Witch do then?

DOROTHY: The Witch became very upset and said that the only way to take the slippers was to kill me. She set an hourglass and told me that at the end of the hour she would kill me.

DEFENSE ATTORNEY: What happened at the end of that hour?

DOROTHY: The Scarecrow, the Tin Man, and the Lion had somehow managed to get into the castle to rescue me. The Witch found the four of us and screamed that she would kill all of us.

DEFENSE ATTORNEY: What did the Witch do?

DOROTHY: The Witch took a torch and lit the Scarecrow on fire. The Scarecrow started screaming and I knew that I had to do something fast or else he would burn up. I grabbed a bucket of water and I threw it at the

Scarecrow to put out the fire and save him.

DEFENSE ATTORNEY: Did something happen to the Witch?

DOROTHY: Yes, it did. Some of the water I threw on the Scarecrow splashed on the Witch and she melted right before our very eyes. I really didn't understand what was happening until she was nothing but a puddle on the floor!

DEFENSE ATTORNEY: Did you intend to harm the Witch?

DOROTHY: Absolutely not! The only thing I was trying to do was put out the fire on the Scarecrow.

DEFENSE ATTORNEY: I have no further questions.

JUDGE: (To Prosecutor) You may cross-examine.

PROSECUTOR: You desperately wanted to go home, didn't you?

DOROTHY: Well, yes I did. I was very far from my family and I knew that Aunt Em had to be very worried about me.

PROSECUTOR: You, in fact, wanted to go home so badly that you were willing to break into the Witch's castle.

DOROTHY: Well, I don't know if we were going to break in or not. All I knew was that if I wanted to get home, we would have to get the Witch's broomstick.

PROSECUTOR: And isn't it a fact that you knew that you would have to kill the Witch in order to get her broomstick?

DOROTHY: Well, the Scarecrow said that we might have to kill the Witch in order to get the broomstick, but I didn't want to kill the Witch. I just wanted to get home.

PROSECUTOR: And, isn't it a fact that you knew that water is deadly to Witches?

DOROTHY: Well, yes. I did know that water would melt a Witch. But, when I threw the water, the only thing that I was trying to do was put out the fire on the Scarecrow.

PROSECUTOR: And, after you melted the Witch, didn't you take the broomstick?

DOROTHY: Yes, I did. We took the broomstick because we knew that the Wizard wanted it and that it would help me get home.

PROSECUTOR: And you knew that the Wizard would not grant your wish unless you brought him the broomstick?

DOROTHY: I suppose that's true.

PROSECUTOR: When you left the Witch's castle, you were, in fact, singing, weren't you?

DOROTHY: Well, yes. Everyone started singing "Ding Dong the Witch is Dead" and I suppose I sang along.

PROSECUTOR: I have no further questions.

JUDGE: Ladies and gentlemen of the jury. At this time all of the evidence of this case has been presented. The only evidence which you may consider in making your decision today is the evidence which you have heard from the witness stand here in the courtroom. The remarks of the attorneys at the beginning of the case and at the end of the case are not evidence. These statements are merely their arguments concerning what they believe the evidence has shown. At this time, I will give both attorneys the opportunity to make a closing statement so that they can tell you what they believe the evidence has shown.

## SECTION EIGHT: MOCK TRIAL SCRIPTS

**PROSECUTOR:** Thank you, your Honor. Ladies and gentlemen, we have heard here today overwhelming testimony that Dorothy is a young woman who desperately wanted to go home. The Wizard of Oz, the Scarecrow, and even Dorothy herself have told you that she would have done just about anything to get back to Kansas. She was willing to risk her life and the lives of her three friends to break into the Witch's castle and when she set out to steal the Witch's broomstick, she knew that she would have to kill the Witch in order to take the broomstick.

Her friend, the Scarecrow, has testified that he knew the Witch would have to be killed if Dorothy were to take the broomstick. The Wizard of Oz has testified that he knew that the Witch would have to be killed if Dorothy were to take the broomstick...and you, the Jury, know that Dorothy knew that to take the broomstick from the Witch, that she would also have to kill the Witch. Perhaps none of you here today liked the Witch of the West. That does not matter. Whether the Witch was a good or bad person should not influence your decision here today.

The only facts that matter are whether the evidence shows that Dorothy intentionally killed the Witch of the West. We all know why Dorothy went to the castle. She went to get the broom and it didn't matter to her what she had to do or whom she had to kill to get it. Dorothy wanted to go home. And, the life of the Witch was the price of her ticket.

**DEFENSE ATTORNEY:** Ladies and gentlemen. The Prosecution would have you believe that Dorothy went into the Witch's castle and then proceeded to murder her. You have all seen from the evidence that this is not what happened. You have heard from the evidence that Dorothy was, in fact, kidnapped and taken hostage by the Witch. She was dragged to the Witch's castle and the lives of her friends, and her dog Toto, and even her own, were threatened by the Witch. The Witch made sure that Dorothy knew that her young and innocent life was about to end.

When the Lion, the Scarecrow, and the Tin Man came to Dorothy's rescue, there was confusion in the castle. The testimony has shown you that the Witch intentionally lit the Scarecrow on fire. The Scarecrow was burning and would have quickly died, but Dorothy's quick thinking saved him. When she grabbed the pail of water, her only purpose was to save the Scarecrow, her friend, from a fiery death. Yes, the Witch of the West was killed, but when Dorothy threw the water, she did not intend to kill the Witch. She only meant to save the Scarecrow. We believe that the evidence is clear that Dorothy cannot be guilty of murder for saving the life of her friend.

**JUDGE:** At this time, the Prosecution has the right to make a short rebuttal argument. Since the Prosecutor has to prove his or her case, the Prosecutor is given two opportunities to speak at the close of the trial.

**PROSECUTOR:** Thank you, your Honor. The Defense would have you believe that Dorothy was only trying to save the life of the Scarecrow. If that were true, why then did Dorothy take the broomstick? Why did Dorothy march out of the castle happily singing "Ding Dong the Witch is Dead?" The evidence has shown that Dorothy went to the castle intending to kill the Witch, and that she did, in fact, succeed in killing the Witch...and she was glad that she had killed the Witch of the West. When you, the Jury, look at all of the evidence, you will see that the Defendant, Dorothy Gale, is guilty of the crime of murder.

**JUDGE:** Jurors, you have heard the evidence. Now it is your job to decide whether Dorothy Gale is guilty of the crime of murder. Bailiff, will you please take the jury to deliberate. Please notify me when you reach your decision.

# THE END.

# STATE v. WOLF

A mock trial script appropriate for pre-school through primary grades.

State of Wisconsin  
v.  
B. B. Wolf (a.k.a. Big Bad Wolf)

Adapted by: Attorneys Leonard G. Adent & (now Judge) Robert G. Mawdsley, Waukesha County  
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## **Approximate time required:**

Two hours

## **Participants in trial:**

Judge

Bailiff

B.B. Wolf

Moe Littlepig

Larry Littlepig

Curly Littlepig

District Attorney

Public Defender

Jury.....12 classmates or the rest of the class  
with one designated as the jury leader.

SECTION EIGHT: MOCK TRIAL SCRIPTS

THE CRIMINAL COMPLAINT

STATE OF WISCONSIN : CIRCUIT COURT : \_\_\_\_\_ COUNTY  
CRIMINAL/TRAFFIC DIVISION

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STATE OF WISCONSIN,  
Plaintiff,

v.

CRIMINAL COMPLAINT  
BIG BAD WOLF,  
Defendant.

The District Attorney being first duly sworn, on oath, upon information and belief, says that: on September 15, 1999, at approximately 1 p.m. at the residences listed below in \_\_\_\_\_ County, Wisconsin, the defendant did:

COUNT #1

without the consent of the owner, Moe Littlepig, intentionally damage Moe Littlepig's straw house.

COUNT #2

without the consent of the owner, Larry Littlepig, intentionally damage Larry Littlepig's house of twigs.

COUNT #3

without the consent of the owner, Curly Littlepig, intentionally trespass on the property of Curly Littlepig.

And prays the defendant be dealt with according to law.

/s/ District Attorney



JUDGE: The Court will call the case of State of Wisconsin v. B.B. Wolf. Appearances please... (The court at this time conducts a form of voir dire with a view to establishing whether the jurors understand the charges in the criminal complaint, whether they understand the burden of proof, whether they know anybody involved in the case, after introducing the witnesses, and whether or not they heard the story of the three little pigs as a child and finally whether or not the fact that they heard the story would prejudice them in making a decision in the case).

JUDGE: Are counsel prepared for trial? Very well. Opening statements, please.

(Counsel make opening statements)

JUDGE: The State may call its first witness.

PROSECUTOR: The State calls Moe Littlepig.

JUDGE: Raise your right hoof and be sworn by the clerk.

(Clerk swears the witness)

PROSECUTOR: Please state your name.

PIG: My name is Moe Littlepig. I'm the youngest of three children. We're called three Littlepigs.

Q: Where do you live?

A: Well, right now I'm staying at my brother, Curly Littlepig's brick house because of him (pointing to the wolf)

WOLF: Who, me?

PIG: Yeah, you, furball.

JUDGE: (Gives judicial admonishment.)

PROSECUTOR: On September 15, 1999, where did you live?

A: 77 Porkchop Strip.

Q: Where is that?

A: Southwest \_\_\_\_\_ County in the woods near grandma's house.

Q: Describe the residence.

A: It was a modest straw house.

Q: Straw? Why straw?

A: I had in mind to build a nice house, but all I could afford was straw, so what the heck. I needed a place so I built it. Got some used furniture from the Three Bears and an old TV from Little Red Riding Hood's grandma and I was in business.

Q: When did you move in?

A: September 1, 1999.

Q: What happened after that, on September 15, 1999?

## SECTION EIGHT: MOCK TRIAL SCRIPTS

A: Well, that was a Sunday so I was watching the Green Bay Porkers on the tube when there is this pounding on the door and this voice “Littlepig! Littlepig! Let me in!” I said go away. Whatever you are selling I don’t want any.

Q: What happened then?

A: The voice said, “This is the Wolf, Littlepig, let me in, let me in.” I said, “Not by the hair on my chinny-chin- chin.” Then the Wolf said, “I’ll huff and I’ll puff and I’ll blow your house in.”

Q: What happened then?

A: Well, I heard the Wolf back up a few steps, take a deep breath and kapow; my house was blown down.

Q: What did you do?

A: Well, I ran as fast as my little pig legs could carry me, otherwise the Wolf would have made a Brewer Plumper out of me.

Q: When was the next time that you had contact with the Wolf who blew your house in?

DEFENSE ATTORNEY: Objection. No foundation. Never saw the Wolf.

JUDGE: Objection sustained. Please rephrase the question.

PROSECUTOR: When was the next time you had contact with someone who said he was a wolf?

A: A few days later at my brother Curly’s house; he tried to blow that house down, too.

Q: What did you lose when your house got blown down?

A: Everything, except my flute.

Q: Did you give the Wolf consent to blow your house down?

A: No way!

Q: Is the Wolf who blew your house down in court this morning?

A: That’s him (pointing to B.B. Wolf).

Cross examination of wolf.

The defense attorney might cross examine in these areas:

- straw was an unsuitable material with which to build a house;
- the pig didn’t see who blew the house down;
- the pig only heard somebody say it was the wolf.

JUDGE: State will call its next witness.

(This witness sworn in similar fashion.)

PROSECUTOR: State your name for the record please.

A: Larry Littlepig.

Q: Are you Moe’s brother?

A: Yes.

- Q: Where do you live?
- A: Temporarily I'm in residence at Curly Littlepig's house here in town.
- Q: And why is that?
- A: Ask El Lobo over there, he can tell you...
- WOLF: Go break a leg in three places you little swine.
- PIG: It's Littlepig, thank you!
- JUDGE: (Gives judicial admonishment.)
- Q: On September 15, 1999, where did you live?
- A: 15 Bacon Street, Pigsville in \_\_\_\_\_ County.
- Q: Describe your house.
- A: It was a twig cabin.
- Q: You mean log cabin?
- A: No, twig cabin.
- Q: How come?
- A: Well, I thought Moe's straw house was nice, but I wanted more security. So I had a twig cabin built on Bacon Street in the subdivision. A friendly wood cutter made me some furniture and I bought a stereo and a roll top desk.
- Q: When did you move in?
- A: About September 1, 1999.
- Q: What happened after that?
- A: On September 15, 1999, I was dancing to my Backstreet Boys tape when I heard someone at the door.
- Q: What did you hear?
- A: Well, a harsh voice said, "Littlepig! Littlepig! Let me in." I said "Who is this?" The voice said, "This is the wolf. Let me in or I'll blow your house in."
- Q: What did you say?
- A: "Not by the hair of my chinny-chin-chin." It's an old family expression. Then the wolf said, "Then I'll huff and I'll puff and I'll blow your house in."
- Q: What happened?
- A: Well, this villain proceeds to huff and puff and huff and puff and build up a regular hurricane around my cabin. Alas, it didn't survive; first the roof, then the walls, swoosh. Gone with the wind.
- Q: What did you do?

## SECTION EIGHT: MOCK TRIAL SCRIPTS

- A: Well, I beat it.
- Q: Did you give anyone permission to blow down your house?
- A: Certainly not.
- Q: When did you next see or hear the wolf again?
- A: A few days later at Curly's house. He tried the same huff and puff routine.

Cross examination of Larry Littlepig.

Defense Attorney might focus on these areas:

- a twig house is not stable;
- Larry Littlepig never saw the wolf; and
- nobody listens to the Backstreet Boys unless it is turned way up and how could the pig distinguish the wolf's voice while the stereo was blaring.

- JUDGE: The State may call its next witness.
- PROSECUTOR: Please state your name.
- PIG: Curly Littlepig.
- Q: What is your address Mr. Littlepig?
- A: I live at 283 Sty Lane just off Mud Avenue.
- Q: Now Mr. Littlepig are you familiar with the defendant in this case, Mr. Big Bad Wolf?
- A: Are you kidding? That wolf in sheep's clothing?
- WOLF: Now wait a minute...no making fun of my new coat!
- PIG: He's just trying to look innocent, but he's not. Let me tell you.
- JUDGE: If you don't stop this bickering, I'll have to hold you both in contempt of Court; let's proceed with the questioning.
- PROSECUTOR: Going back again Mr. Littlepig, how did you come to know Mr. Big Bad Wolf?
- A: After he destroyed my brother's houses, I guess the wolf thought that I would be easy pickings. What he hadn't counted on was that I built my house out of bricks. And so when he came over one morning with his cheap "Littlepig! Littlepig! Let me in" trick, I just told him no way by the hair of my chinny-chin-chin, and kept right on watching TV with my brothers. "Then I'll huff and I'll puff and I'll blow your house in," he said. And we laughed. I just went into the kitchen to make myself a snack, just a small one. I don't like to make a wolf of myself. Anyway, all the while I was in the kitchen I could hear him out there huffing and puffing. When we went to bed that night he was still huffing and puffing, but he wasn't going to get in. I made sure of that when I built that house with bricks.
- Q: And that was the last you ever saw of B.B. Wolf?
- A: Are you kidding?
- Q: Why?
- A: Right after that incident I heard he was over on the other side of the forest making trouble for Little Red Riding Hood and her poor grandma.

DEFENSE ATTORNEY: Objection. This testimony about Little Red Riding Hood is completely irrelevant to the case at hand.

JUDGE: Objection sustained. Mr. Wolf's attorney is correct. Proceed, Mr. Littlepig, but try to stay on track.

A: Well, about a week later he came by and said – real sweetly – “Oh, Littlepig, I know where to find the loveliest sweet turnips.” He must have known pigs are fools for turnips. Anyway, I asked him where. “Oh,” he said, “in Farmer Brown's yard. If you're ready tomorrow morning at six I'll come by for you and we can go there and get some for our dinner.” Boy, that wolf must think I'm dumb. I knew that those turnips were only going to be his appetizer. And I knew just who he had in mind for the main course.

Q: And so you didn't go?

A: I got up at five, picked my turnips and went back home and was having turnip stew with my brothers by the time he came by at six.

Q: What was the wolf's reaction?

A: Oh, he was fuming all right, but he didn't show it.

Q: What happened then?

A: Well, on September 30 he came over with this nasty glint in his eye and started climbing up the side of my house. At first I couldn't imagine what he was doing, and then it came to me – the chimney! And so I rushed to the fireplace. I already had a big pot of water on to boil for my tea, and I took the lid off. I only wanted to warn him off because I didn't want him in my house eating me up. How was I to know he was already climbing down the chimney?

Q: And did you consent to allow the wolf down you chimney into your house?

A: Certainly not.

(Cross examination of Curly Littlepig.)

DEFENSE ATTORNEY: I would like to cross examine the witness if I may.

Q: Mr. Littlepig, I have been listening to this account of your dealings with Mr. Wolf and it seems to me that you were doing an awful lot of teasing and baiting of my client. Wouldn't you say that's true?

A: Well, maybe I was having a little fun with the old boy, but seeing as he was trying to eat me that doesn't seem like such a great crime, does it?

Q: I'll ask the questions if you please here. What about the reports that the cookbook next to your fireplace was found open to the recipe for poached wolf? Is this true?

A: Yes, but it's not how it seems. I had it open to warm apple pie. I was going to bake one with extra apples, but then when I took the lid off that cauldron I guess that shot of steam must have flipped a few pages forward to Poached Wolf.

Q: You expect the Court and jury to believe that?

A: Well, it's the truth by the hair on my chinny-chin.

DEFENSE ATTORNEY: All right Mr. Pig, thank you, you may step down.

## SECTION EIGHT: MOCK TRIAL SCRIPTS

(At this point the State rests. Motion to dismiss by defense counsel is argued.)

JUDGE: Mr. Defense Attorney, do you have any witnesses?

DEFENSE ATTORNEY: The defense calls Mr. B.B. Wolf.

JUDGE: Please raise your right paw.

(Clerk swears wolf.)

DEFENSE ATTORNEY: Please state your name.

A: My name is Big Bad Wolf. Most of my friends just call me B.B.

Q: Where do you live?

A: Oh, I've got a nice little den in the woods outside Waukesha. You know it's got redwood paneling and I've got a pretty nice stereo.

Q: A kitchen?

A: Well, um, I eat out a lot, you might say.

Q: Ah, yes, well let's move on to the morning of September 30, 1999. Do you recall your whereabouts on that morning?

A: Yes I do. Quite clearly actually. I was taking my usual morning stroll past the house of my old pal, Curly Pig. I was admiring his house. It's quite well built you know and I thought I might pay good old Curly a visit and tell him just that. What a fine job he had done in building that place of his. Anyway, I knocked on the door and called out his name, but there was no answer. So I knocked harder and called out louder, but still there was no answer and then I sat down on the front porch to wait. I figured Curly was probably out at the store or something and would be back in a minute. You see I really did want to see my old buddy and I don't get into that neighborhood all that often and then it hit me, Curly is a real sound and sleeper and is probably just sleeping in. I thought if I just left he would be sorry I hadn't woken him so I tried to think of a way to get into the house to wake him up. And then I thought and I thought and finally it came to me. I could climb down the chimney!

Q: And so did you?

A: Well, yes and no. That is, I started to, but when I got almost all the way down suddenly someone took the lid off this cauldron of water boiling down there. Someone who wanted me to fall into the kettle.

PROSECUTOR: Objection, the witness is guessing and speculating.

JUDGE: I agree, objection sustained. Continue, Mr. Wolf.

WOLF: Well, lucky for me the steam was so powerful that it sort of just blew me up and out of the chimney. I took off like all get out and decided Curly was no friend of mine.

Q: Did you hear Moe Littlepig testify about your blowing his house down on September 15, 1999?

A: Yes.

Q: Were you there?

A: Yes, I had heard that Moe had built a house in the woods and I went over to welcome him to the neighborhood. Also to see if he wanted to trade Pokemon cards with me.

Q: What happened?

A: Well, I knocked on the door and then started sneezing.

Q: Sneezing?

A: Yes, I must have had an allergic reaction to the straw in the house. I was sneezing out of control when the whole house blew away. It wasn't very well built.

Q: Did you mean to blow down the house?

A: No, I was sorry and I wanted to apologize, but Moe ran away so fast that I couldn't catch him.

Q: You heard Larry Littlepig tell of his tragic loss?

A: Yes, I did.

Q: Where were you on September 16, 1999?

A: At the mall.

Q: You were not there?

A: No.

Cross examination of the wolf by the Prosecutor.

Options for next phase:

- call an alibi witness for the wolf;
- closing arguments;
- jury instructions.

# BEAR v. LOCKS

A mock trial script appropriate for pre-school through primary grades

Mom A. Bear

Pop A. Bear

Babe E. Bear

v.

Golden Locks (a.k.a. Gold E. Locks)

Prepared by: Attorney Richard D. Torphy, Denver

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## Participants in Trial

Judge

Plaintiff.....Mom A. Bear

Plaintiff.....Pop A. Bear

Plaintiff.....Babe E. Bear

Defendant.....Gold E. Locks

Mrs. Locks

Plaintiff's Counsel

Defendant's Counsel

Jurors

Bailiff

## Props

Bowl – Pop A. Bear (Exhibit A)

Bowl – Babe E. Bear (Exhibit B)

Broken chair (Exhibit C)

Pillow (Exhibit D)



**SCENE**

The \_\_\_\_\_ County Courthouse. The Bailiff calls the case of Mom A. Bear, Pop A. Bear and Babe E. Bear v. Golden Locks, also known as Gold E. Locks. The Bears are seated at the Plaintiff's table. Golden Locks and her parents, Mr. & Mrs. Locks, are sitting at the defense table.

**JUDGE:** This is the case of Mom A. Bear, Pop A. Bear and Babe E. Bear v. Golden Locks. As I understand the pleadings, the charge against Golden Locks is that she showed bad manners. Are there any opening statements?

**PLAINTIFF'S LAWYER:** Your Honor, in this case we will show that one crisp fall morning Mom A. Bear got up early and made a steaming pot of porridge. She intended to serve it to Pop A. Bear and Babe E. Bear for breakfast. We will further show that because the porridge was too hot, the Bears decided to take a walk in the forest. While they were gone, Gold E. Locks entered the home and ate some porridge out of the bowls of Mom A. Bear and Pop A. Bear. She ate all the porridge from the bowl of Babe E. Bear. After eating Babe E. Bear's porridge, Gold E. Locks sat down in Babe E. Bear's chair and broke it. After breaking the Babe E. Bear's chair, Gold E. Locks went upstairs and fell asleep in Babe E. Bear's bed. Through our evidence we will show that Gold E. Locks had bad manners. Thank you Your Honor.

**JUDGE:** Does the attorney for Gold E. Locks have any opening statements?

**DEFENDANT'S LAWYER:** Your Honor, these charges of bad manners against Gold E. Locks are ridiculous. We will show that the Bears invited Gold E. Locks into their home by leaving the door open. Gold E. Locks was out walking in the forest, minding her own business, and picking flowers, when she smelled the sweet aroma of porridge cooking. She had been in the forest many times before and she knew where the Bears lived. Gold E. Locks merely thought she was invited for breakfast. We will further show that the porridge was so good that Gold E. Locks decided to take a nap so that she could sleep off her breakfast. We will show that Gold E. Locks was a guest-and certainly did not demonstrate any bad manners.

**JUDGE:** Very well. Call your first witness.

**PLAINTIFF'S LAWYER:** I call Mom A. Bear as my first witness. (Mom A. Bear comes forward.)

**JUDGE:** Please raise your right paw. (Mom A. Bear raises her right paw.)

**JUDGE:** Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth?

**MOM A. BEAR:** I do.

**JUDGE:** Please be seated.

**PLAINTIFF'S LAWYER:** Please state your name.

**MOM A. BEAR:** My name is Mom A. Bear. That's first name Mom, middle initial A., last name Bear. They also call me Momma Bear.

**PLAINTIFF'S LAWYER:** Where do you live?

**MOM A. BEAR:** I live in a little bungalow house in the forest. The house is surrounded by flowers and trees. It is a pretty little house.

**PLAINTIFF'S LAWYER:** Is that forest located in (insert local city and state).

**MOM A. BEAR:** Yes, it is.

## SECTION EIGHT: MOCK TRIAL SCRIPTS

- PLAINTIFF'S LAWYER: Who else lives in the house?
- MOM A. BEAR: My husband, Pop A. Bear, and our little bear, Babe E. Bear, live with me.
- PLAINTIFF'S LAWYER: On the morning of October 26, 1999, did you make breakfast for your family?
- MOM A. BEAR: Yes, I did. I always make a wholesome nutritious breakfast for my family. As they are very fond of porridge, I made porridge on that particular day, and as I always do, I sprinkled the porridge with honey, a pinch of cinnamon and two pawful of raisins. Pop A. Bear especially likes the two pawful of raisins.
- PLAINTIFF'S LAWYER: Very well, I see, it sounds delicious.
- MOM A. BEAR: It is! You should come over and try some sometime.
- DEFENDANT'S LAWYER: Your Honor, I object to that last question concerning Mom A. Bear's invitation to her attorney to try her porridge. We will stipulate that Mom A. Bear makes very good porridge.
- JUDGE: Very well. Counselor would you please comment only on the case and not on your social life with the Bear family.
- PLAINTIFF'S LAWYER: After you made the porridge, Mom A. Bear, what did you do?
- MOM A. BEAR: I called Pop A. Bear and Babe E. Bear to come downstairs for breakfast.
- PLAINTIFF'S LAWYER: Then what happened?
- MOM A. BEAR: We sat down at the table and said grace. After grace, Babe E. Bear said that the porridge was too hot and was burning his tongue, so we decided to go for a little walk in the forest and let the porridge cool.
- PLAINTIFF'S LAWYER: I see. Do you always walk in the forest?
- MOM A. BEAR: Oh, yes! We love to walk in the forest.
- PLAINTIFF'S LAWYER: When you got back from your walk, what did you find?
- MOM A. BEAR: Well, the door was open. I had told Babe E. Bear to close it but he/she forgot. You know how baby bears are about doing those things.
- PLAINTIFF'S LAWYER: Yes, I know. I have baby bears of my own. What did you see when you got back?
- MOM A. BEAR: I think we should let Pop A. Bear tell that.
- (Mom A. Bear gets down from the witness stand. Pop A. Bear goes forward to be sworn in, raises his right paw, and is sworn by the Judge)
- PLAINTIFF'S LAWYER: Please state your name.
- POP A. BEAR: My name is Pop A. Bear. (growling)
- PLAINTIFF'S LAWYER: Do you live in the forest with Mom. A. Bear and Babe E. Bear?
- POP A. BEAR: Yes, that's our home. It's located out in (insert local town/city).
- PLAINTIFF'S LAWYER: Very well. When you got back from your walk in the forest what did you notice?

POP A. BEAR: Well, first I noticed that the door was open. I told Babe E. Bear to close it several times, but I guess he forgot again. I'm going to have to speak to Babe E. Bear about his forgetting to close the door.

PLAINTIFF'S LAWYER: Did you smell porridge in the house?

POP A. BEAR: Oh, yes! It smelled delicious. Mom A. Bear is the best porridge-maker in the whole forest.

DEFENDANT'S LAWYER: Your Honor, we know Mom A. Bear makes good porridge. We will stipulate for the record that Mom A. Bear's porridge is the best porridge in the whole wide world, not to mention the best porridge in (insert local place).

PLAINTIFF'S LAWYER: When you got back to the house what did you notice first?

POP A. BEAR: Well, I went over to eat my bowl of porridge. When I looked in the porridge bowl there was some missing.

PLAINTIFF'S LAWYER: Did you say anything?

POP A. BEAR: Yes, I growled, "Somebody's been eating my porridge!"

(Plaintiff's Lawyer takes bowl of porridge labeled "Pop A. Bear" and has it marked as an exhibit.)

PLAINTIFF'S LAWYER: Pop A. Bear, I now hand to you what has been marked, as "Bear's Exhibit A." Is that your bowl?

POP A. BEAR: Yes, can't you see it says "Pop A." on it?

PLAINTIFF'S LAWYER: Oh. Is this the bowl of porridge that was sitting on your table?

POP A. BEAR: Yes, it is. I never eat my porridge from any bowl except that bowl.

(Plaintiff's Lawyer gives bowl to Court Reporter.)

PLAINTIFF'S LAWYER: Your Honor, I ask that our exhibit be admitted as evidence.

JUDGE: All right.

PLAINTIFF'S LAWYER: Pop A. Bear, after you discovered your porridge bowl empty, what did you do?

POP A. BEAR: I walked into my living room.

PLAINTIFF'S LAWYER: And what did you see?

POP A. BEAR: My favorite Pop A. Bear chair that Mom A. Bear and Babe E. Bear gave to me for Father's Day last year.

PLAINTIFF'S LAWYER: Did you say anything upon noticing that somebody has been sitting in your chair?

POP A. BEAR: Yes, I growled, "Somebody's been sitting in my chair!"

PLAINTIFF'S LAWYER: Then what did you do?

POP A. BEAR: Well, I was getting suspicious, so I went upstairs.

PLAINTIFF'S LAWYER: What did you notice upstairs?

POP A. BEAR: I noticed that my bed had been messed up.

DEFENDANT'S LAWYER: Your Honor, I object. We all know that Pop A. Bear never makes his bed, and that the bed just sits

SECTION EIGHT: MOCK TRIAL SCRIPTS

there until Mom A. Bear makes it in the morning. How do we know that the bed had not been messed up from Pop A. Bear's sleeping in it?

PLAINTIFF'S LAWYER: Pop A. Bear, did you make your bed that morning?

POP A. BEAR: Yes. I made a special effort that morning to make the bed as a birthday present for Mom A. Bear.

PLAINTIFF'S LAWYER: And when you got back was the bed messed up?

POP A. BEAR: Yes, it was.

PLAINTIFF'S LAWYER: Did you say anything?

POP A. BEAR: Yes, I growled, "Somebody's been sleeping in my bed!"

PLAINTIFF'S LAWYER: Did you see anybody sleeping in your bed?

POP A. BEAR: No, I didn't. I went back downstairs.

PLAINTIFF'S LAWYER: Pop A. Bear, that's all the questions I have for you.

JUDGE: You may step down. (Pop A. Bear gets off the witness stand.)

PLAINTIFF'S LAWYER: Next I will call Babe E. Bear to the stand.

(Babe E. Bear goes forward, raises his/her right paw and is sworn in.)

PLAINTIFF'S LAWYER: What is your name?

BABE E. BEAR: (babyish tone) My name is Babe E. Bear. I live with my Mommy and Daddy Bear in a little cottage in (local place).

PLAINTIFF'S LAWYER: Do you go to school?

BABE E. BEAR: Yes. I attend \_\_\_\_\_ in \_\_\_\_\_.

PLAINTIFF'S LAWYER: I see. And who are your teachers at pre-school?

BABE E. BEAR: My teachers are (insert names).

PLAINTIFF'S LAWYER: And do you always listen to your teachers at pre-school?

BABE E. BEAR: Well, most of the time I do.

PLAINTIFF'S LAWYER: And have your teachers told you to close the door when you leave a room?

BABE E. BEAR: Well, they are trying to teach me to do that, but sometimes I forget. You see, I am still a baby bear.

PLAINTIFF'S LAWYER: Did you go for a walk with your mommy and daddy in the forest?

BABE E. BEAR: Yes, I did. The porridge was too hot and I could not eat it, so I thought we could go for a walk and see the birdies, the bunny rabbits and the other animals that live in the forest. I like to watch the birdies and the bunny rabbits. One time I even saw a deer in the forest.

PLAINTIFF'S LAWYER: When you got back from the forest what did you see?

BABE E. BEAR: I went with my daddy to sit down to eat my breakfast, and when I sat down, my porridge bowl was empty.

PLAINTIFF'S LAWYER: And what did you say?

BABE E. BEAR: (whining) I said, "Somebody's been eating my porridge, too, and they ate it all up!"

(Plaintiff's Lawyer takes bowl labeled Babe E. Bear and hands it to Court Reporter.)

PLAINTIFF'S LAWYER: Please mark this as Bear's Exhibit B.

(After it is marked, the attorney hands bowl to Babe E. Bear.)

PLAINTIFF'S LAWYER: And, is this your porridge bowl?

BABE E. BEAR: Yes, it is. My grandma gave it to me when I was a tiny baby. I was just a little cub when she gave it to me. She gave it to me because she knew I liked to eat porridge for breakfast.

PLAINTIFF'S LAWYER: And, is that the bowl that was empty when you came back into your house from your walk in the forest?

BABE E. BEAR: Yes, it is.

(Attorney hands bowl to Judge as Exhibit B.)

PLAINTIFF'S LAWYER: And then what did you do, Babe E. Bear?

BABE E. BEAR: I went into my living room and I saw that my favorite chair was broken! Grandpa gave me the chair for my second birthday so that I could sit with Mom A. Bear and Pop A. Bear. I mainly used it when I watched television. You know, my favorite programs are Yogi Bear and football games between the Chicago Bears and the Green Bay Packers. Of course, I had to root for the Bears.

PLAINTIFF'S LAWYER: Yes, I know. And when you saw your chair what did you say?

BABE E. BEAR: I said, "Somebody's been sitting in my chair and they broke it." I was really sad about my chair being broken, because it was my favorite.

(Attorney picks up broken chair and has it marked as Exhibit C.)

PLAINTIFF'S LAWYER: Babe E. Bear, is that your chair?

BABE E. BEAR: (pouting) Yes, it is. I really feel sad because it's broken. Pop A. Bear was going to fix it, but he is very slow at doing these things sometimes. I guess Mom A. Bear will have to talk to him about it.

PLAINTIFF'S LAWYER: And then what did you do?

BABE E. BEAR: I went upstairs to my bedroom.

PLAINTIFF'S LAWYER: And did you make your bed on that morning?

BABE E. BEAR: Yes, I did on that morning because it was Mom A. Bear's birthday. Daddy Bear and I wanted to surprise her because we sometimes, well, most of the time, forget to make our beds. Mom A. Bear scolds us for it.

PLAINTIFF'S LAWYER: I see. But you did make your bed that morning?

BABE E. BEAR: Well, Papa Bear helped me, but we made it, yes. I even put my little pillow neatly at the top of the bed.

PLAINTIFF'S LAWYER: And, when you went back upstairs, what did you see?

SECTION EIGHT: MOCK TRIAL SCRIPTS

BABE E. BEAR: (agitated) When I went back upstairs, my little pillow was gone. When I approached the bed I saw these golden locks. I then peeked under the covers and I saw a little girl, and I shouted, "Somebody's been sleeping in my bed, and there she is! It's a little girl."

PLAINTIFF'S LAWYER: And, what did the little girl do?

BABE E. BEAR: She got up and ran so fast that I hardly saw her. I just saw these golden locks as she ran out the door.

PLAINTIFF'S LAWYER: Is the little girl who was sleeping in your bed here today?

BABE E. BEAR: Well, that little girl over there with the golden hair looks like her, but I really didn't get a very good view. It could be her.

(Plaintiff's Lawyer hands Babe E. a pillow, which has been marked as Exhibit C.)

PLAINTIFF'S LAWYER: Is this your pillow?

BABE E. BEAR: Yes, it is. My Aunt Cubby made it for me when I was a baby.

PLAINTIFF'S LAWYER: Babe E. Bear, you don't have golden hair, do you?

BABE E. BEAR: No, I don't. My hair is brown and furry like my Mommy and Daddy's.

PLAINTIFF'S LAWYER: There is golden hair on this pillow. Could that be Gold E. Locks' hair?

BABE E. BEAR: I guess so; it's not mine.

PLAINTIFF'S LAWYER: Very well, Babe E. Bear. Do you have anything further to say?

BABE E. BEAR: Well, I don't blame the little girl for wanting to eat the porridge and Mommy can always make more porridge, but I wish she hadn't broken my chair. That really is my favorite chair.

PLAINTIFF'S LAWYER: Thank you, Babe E. Bear.

(Babe E. Bear gets down.)

PLAINTIFF'S LAWYER: Your Honor, that is all of our evidence. The Bears rest.

JUDGE: Very well. We will now hear Gold E. Locks' side of the case.

DEFENDANT'S LAWYER: Your Honor, as my first witness I will call Gold E. Locks.

(Gold E. Locks gets up, walks forward, raises her right hand to be sworn. Judge administers the oath. Gold E. Locks then sits down.)

DEFENDANT'S LAWYER: What is your name?

GOLD E. LOCKS: My name is Golden Locks. I am also called Gold E. Locks. When I was born my mother said I had golden locks. And so from that day forward I have been known as Gold E. Locks.

DEFENDANT'S LAWYER: I see. You have very pretty gold locks.

GOLD E. LOCKS: Thank you.

DEFENDANT'S LAWYER: Where do you live?

GOLD E. LOCKS: I live with my mother Locks, my father Locks, my little baby brother Locks, my kitty cats Spook Locks and Funny Locks at (insert a local address).

- DEFENDANT’S LAWYER: Oh, that is very interesting. And is your house located anywhere near the house of Babe E. Bear?
- GOLD E. LOCKS: Oh, yes, Babe E. Bear and I see each other quite often while walking in the forest. I like to walk through the forest and pick flowers. I also like to watch the bunny rabbits and deer in the forest. Babe E. Bear and I attend the same pre-school, that is (insert name of a local school). My mommy takes me every day in the minivan. Sometimes I bring some of the flowers I have picked in the forest.
- DEFENDANT’S LAWYER: And, are your teachers also \_\_\_\_\_.
- GOLD E. LOCKS: Yes, they are. We play games and play in the toy kitchen and sing and have a snack.
- DEFENDANT’S LAWYER: And, I’m sure your teachers and your mother and father have told you never to go into a strange house.
- GOLD E. LOCKS: Yes, they have. But sometimes I forget, especially when the porridge smells so good!
- DEFENDANT’S LAWYER: Now Gold E., on the day in question, were you out walking in the forest?
- GOLD E. LOCKS: Yes, I was. I was out picking flowers in the forest early one fall morning. I like to go out early in the morning because that’s when I see the most bunny rabbits and sometimes I even see a deer.
- DEFENDANT’S LAWYER: And, as you were walking in the forest what did you smell?
- GOLD E. LOCKS: I smelled the most yummy porridge coming from a house in the forest. I followed my nose until I came to a brown house which had the name “Bear” on the front. I knocked on the door, but I did not see anybody at home. The smell was so good and I had not had any breakfast that morning since Mommy does not fix breakfast until I get back from my morning walk. In fact, sometimes she even goes with me.
- DEFENDANT’S LAWYER: I see. And than what did you do?
- GOLD E. LOCKS: I knocked on the door several times but nobody answered. As the door was open, I figured that the people who lived in the house must be close by.
- DEFENDANT’S LAWYER: Did you enter the house?
- GOLD E. LOCKS: Yes, I did, but the door was open. I followed my nose right to the kitchen. There I saw three bowls of porridge.
- DEFENDANT’S LAWYER: When you saw the three bowls of porridge, what did you say?
- GOLD E. LOCKS: I said, “Oh, my, porridge!”
- DEFENDANT’S LAWYER: Then what did you do?
- GOLD E. LOCKS: I tasted some porridge from Papa Bear’s great big, bowl. It was too hot. Then I tasted some from Mom A. Bear’s medium sized bowl, but it was too cold. Then I tasted some porridge in Babe E. Bear’s bowl. It was just right, and I was so hungry I ate it all up.
- DEFENDANT’S LAWYER: Were the Bears in the house while you were eating the porridge?
- GOLD E. LOCKS: No but I figured they must be nearby. I guess I got so excited eating the porridge that I forgot about the Bears.
- DEFENDANT’S LAWYER: Then what did you do?

## SECTION EIGHT: MOCK TRIAL SCRIPTS

- GOLD E. LOCKS:** Well, my tummy was so full of yummy porridge that I went into the living room to thank the person who had made the porridge and to tell her how good the porridge was. My mother said I always should say thank you.
- DEFENDANT’S LAWYER:** Did you find anybody?
- GOLD E. LOCKS:** No, I didn’t. So I decided to sit down in a chair to wait for the person to come home so I could tell her how good the porridge was. I wanted her to give me the recipe so I could give it to my Mommy. My Mommy makes good porridge but it doesn’t taste quite as good as the porridge I had at the Bears’ house.
- DEFENDANT’S LAWYER:** Did you sit down?
- GOLD E. LOCKS:** Yes, I did. In fact I sat in this great big chair. But it was too hard and too big. I did not feel comfortable in it. It looked like a poppa’s chair. My daddy has one like it at home. Then I sat in a smaller chair, but it was too soft. It was kind of like the chair my mommy sits in at home. Than I sat down in this little chair which seemed to be just right.
- DEFENDANT’S LAWYER:** What happened when you sat in the chair?
- GOLD E. LOCKS:** It broke. But I think the chair was already broken when I sat in it and that it was just sitting there as a decoration. As little as I weigh I am sure my weight would not have broken it if it had not already been broken. I was really sad when I saw the broken chair.
- DEFENDANT’S LAWYER:** Then what did you do?
- GOLD E. LOCKS:** I was so sad when I saw the broken chair that I decided to go upstairs and wait for the Bears to come home so I could tell them about it. I went into a room that was decorated a lot like my room at home and sat down on a bed to wait for the Bears to come home. I think I was crying a little bit too, about breaking the chair. Well the bears did not come home right away and I must have closed my eyes to wait for them. I fell asleep on Babe E. Bear’s bed. The next thing I remember before I fell asleep on Babe E. Bear’s bed was that I also tried Pop A. Bear’s bed and Mom A. Bear’s bed. But they were too hard. I guess I messed their beds up a little bit too, although Pop A. Bear’s bed had not been made very well. It looked like he did it himself.
- DEFENDANT’S LAWYER:** What do you remember next?
- GOLD E. LOCKS:** The next thing I remember there were three bears standing around me. Pop A. Bear looked very, very mad and he said, “Somebody’s been sleeping in my bed!” Then I heard Mom A. Bear say, “Somebody’s been sleeping in my bed!” I was so frightened that I got up and ran right out the door to my mother.
- DEFENDANT’S LAWYER:** Gold E. Locks, as I recall your testimony, you ate the porridge because it smelled so good and you were hungry. You had not knocked the door down, but walked in the open door thinking the people would not care. The chair was broken when you sat down to wait for the maker of the porridge to tell her how good the porridge was, and you accidentally fell asleep on the bed.
- GOLD E. LOCKS:** That’s right.
- DEFENDANT’S LAWYER:** You didn’t mean anybody any harm did you, Gold E. Locks?
- GOLD E. LOCKS:** Of course not! It looked like such a friendly house and I knew that Babe E. Bear lived there. I see him/her at pre-school many times. He/she even told me that sometime I should come over and have some porridge with him because his/her mother made it so good! I really didn’t mean to harm anything and I’m really sorry about the chair, but I still don’t think I broke it.
- DEFENDANT’S LAWYER:** Thank you, Gold E. That’s all the questions. Next I will call Mrs. Locks.



(Mrs. Locks goes forward and is sworn in.)

DEFENDANT'S LAWYER: What is your name?

MRS. LOCKS: My name is Curl E. Locks.

DEFENDANT'S LAWYER: Where do you live, Mrs. Locks?

MRS. LOCKS: We live at (insert localized address).

DEFENDANT'S LAWYER: And are you the mother of Gold E. Locks?

MRS. LOCKS: Oh, yes, I am. She is my little girl.

DEFENDANT'S LAWYER: What kind of a little girl is Gold E. Locks?

MRS. LOCKS: Gold E. is a good little girl. She is mischievous like most little girls, but she tries to always do the right thing. Sometimes she forgets. I do have one trouble with her and that is that she likes to wander through the forest picking flowers. She tells me that she likes to look at the bunny rabbits and the deer. Most of the time I go with her but on the morning in question I was getting ready for a bridge club meeting.

DEFENDANT'S LAWYER: You say Gold E. is essentially a good girl. Does she say please?

MRS. LOCKS: Most of the time.

DEFENDANT'S LAWYER: And does she say thank you?

MRS. LOCKS: Oh, I have taught her to say thank you and her teachers at school have taught her to say thank you, and she says thank you most of the time when she remembers. But like most children, sometimes she forgets.

DEFENDANT'S LAWYER: Does she help you with the dishes?

MRS. LOCKS: Well, most of the time. But sometimes, especially when the Muppets are on television, she runs downstairs to watch and forgets to help me with the dishes. But I understand-especially when the Muppets are on television. That's her favorite show, you know.

DEFENDANT'S LAWYER: Does she attend pre-school?

MRS. LOCKS: Oh, yes. She goes to (insert local school) every day. She enjoys the music and swinging on the swings and the art classes and all the activities. She's really excited about her pre-school.

DEFENDANT'S LAWYER: Well, this trial is about Gold E. Locks having bad manners. Do you think she has bad manners?

MRS. LOCKS: Oh, goodness no. She does forget occasionally, but I know she tries to use good manners. I think the only reason she went into the Bears' house was because the porridge smelled so good. And after she ate the porridge she simply wanted to stay there until the Bears returned to tell them how good the porridge was. She certainly didn't intend any harm and I know that she didn't mean to break the chair. But Gold E. has told me that the chair was already broken when she sat in it. You know she's not very big and I don't think she could break the chair.

DEFENDANT'S LAWYER: Is there anything else you would like to say, Mrs. Locks?

MRS. LOCKS: Well, we're sorry that the Bears were inconvenienced, but if they would like to come to our house for breakfast I would be glad to fix them some of my porridge. Maybe Mrs. Bear

## SECTION EIGHT: MOCK TRIAL SCRIPTS

could even show me how she makes it so yummy.

DEFENDANT’S LAWYER: Thank you, Mrs. Locks, you may step down.

(Mrs. Locks steps down.)

JUDGE: Are there any summaries?

PLAINTIFF’S LAWYER: Your Honor, we have shown that Gold E. Locks, without being invited, walked into the Bear’s home, ate Babe E. Bear’s porridge, broke Babe E. Bear’s chair, and slept in her bed. She did all of this without being invited and I certainly think that meets the test of bad manners. Even though Gold E. Locks knew better, that is no excuse. I’m sure the jury agrees that one who displays good manners does not do such things.

DEFENDANT’S LAWYER: Your Honor, we have shown that Gold E. Locks is basically a good little girl. She has said that she meant no harm in going into the house, and the door was open. The porridge was so good that she could not resist it and after she ate the porridge she merely wanted to wait for the Bears to come home to thank them. She didn’t mean to break Babe E. Bear’s chair, and in fact there is no real evidence that she broke the chair. I think the chair was broken when she sat in it. She certainly is not big enough to have broken the chair. She is sorry she fell asleep in the bed, but she was merely waiting for the Bears to come home so she could thank them and to ask them how they make the yummy porridge. She certainly did not display any bad manners, in fact she showed good manners by waiting to thank the bears.

JUDGE: Thank you. Does that conclude the evidence?

LAWYERS: (both) Yes, it does.

JUDGE: (Judge turns to jury.) You have heard the evidence. Now it is your job to decide whether Gold E. Locks has bad manners. Will you please go with the Bailiff to the jury room and after you have decided, would you please come back and inform the Court of your decision.

(Bailiff takes the jurors to the Jury room. After a while, jurors come back with a verdict.)

JUDGE: Have you reached a verdict?

JUROR: Yes, we have, your Honor.

JUDGE: What is that verdict?

JUROR: The jury has voted and has determined that...

# jurors

Jurors are an important constituency of the courts. Law Day is a perfect time to honor them, and promote jury service, through courthouse activities.

## Juror Appreciation Dinner

Open the courthouse on the evening of May 1 for a special dinner honoring jurors (see sample letter/invitation, page 85). Invite everyone who has served on a jury in the last three months (adjust according to the size of the group you wish to have). Cater in a dinner, perhaps using the jury assembly room for the event. Provide free childcare on site. Solicit door prizes from local businesses (judges should not do the soliciting). To boost attendance, make the dinner free. Hand out comment cards soliciting the jurors' ideas for improving the system. Consider inviting the news media for a story that will publicize jury service.

## Juror Employer of the Year Award

Give an award – perhaps in the form of a plaque – to a local business that has made jury duty easier on its employees by permitting shift changes, giving paid time off, promoting jury duty in the personnel policy, etc. The award might be given either at the courthouse or at the business' headquarters. Alert the local media to the award ceremony (see sample press release, page 84) and contact the company's newsletter, if one exists.

## Book Donation

Purchase books having to do with juries and jury service and donate them, in a Law Day ceremony, to the local public libraries and school libraries. Here are a few to consider:

- Aaseng, Nathan. *You are the Juror*. Minneapolis, Minn.: The Oliver Press, 1997.
- Abramson, Jeffrey. *We, The Jury: The Jury System and the Ideal of Democracy*. New York: Basic Books, 1994.
- Adler, Stephen J. *The Jury: Trial and Error in the American Courtroom*. New York: Times Books, 1994.
- Baldwin, John and McConville, Michael. *Jury Trials*. Oxford: Clarendon Press, 1979.
- Fukurai, Hiroshi, Butler, Edgar W., and Krooth, Richard. *Race and the Jury: Racial Disenfranchisement and the Search for Justice*. New York: Plenum Press, 1993.
- Gobert, James J. *The Jury on Trial: A Political, Philosophical, and Psychological Examination of the Jury*. 1993.
- Hans, Valerie P. and Vidmar, Neil. *Judging the Jury*. New York: Plenum Press, 1986.
- Hastie, Reed, Penrod, Steven, and Pennington, Nancy. *Inside the Jury*. Cambridge, Mass.: Harvard University Press, 1983.
- Litan, Robert E. (Ed.). *Verdict: Assessing the Civil Jury System*. Washington, D.C.: Brookings Institution, 1993.
- Levine, James. *Juries and Politics*. Pacific Groves, Cal.: Brooks/Cole, 1992
- Uviller, H. Richard. *Virtual Justice: The Flawed Prosecution of Crime in America*. New Haven, Conn.: Yale University Press, 1996.

## Thank You Letters

Write a thank you letter to all who have served on jury duty in the last year (see sample letter, page 85).

## Sample Press Release: Juror Employer Award

CONTACT:  
Committee Member X  
phone number

FOR IMMEDIATE RELEASE

XYZ Company Named 'Juror Employer of the Year'  
Everywhere, Wis. (March 28) - XYZ Company has been named Q County's Juror Employer of the Year for its commitment to supporting its employees who are called for jury service.

XYZ, which employs N people at its factory/store/warehouse/etc. in Anywhere, has taken the following steps to assist employees in carrying out this important civic duty:

Q County's Law Day Planning Committee chose XYZ as the first recipient of this award. "XYZ has taken important steps to ensure that its employees can answer the call to jury duty," said Committee Chair Jane Doe. "Jury service is the one of the key ways in which citizens can participate in government, and it is the bedrock of our justice system. XYZ has recognized that making it easier for its employees to answer the call to jury duty boosts employee morale and upholds the values of the community."

XYZ President Bud Smith will accept a plaque on behalf of the company at X p.m. during the Law Day celebration on Thursday, May 1, at the Q County Courthouse at 111 Main St., Everywhere. Judges P, D, and Q will present the award in the Branch I courtroom. The media and public are welcome to attend.

In addition to the award ceremony, the following activities will take place at the Q County Courthouse on Law Day: A, B, C.

Members of the public are encouraged to join in the Q County Courthouse's and Bar Association's celebration of Law Day 2003.

###

## Sample Thank-You Letter/Invitation: Jury Service

Dear Ms. X:

I want to take this opportunity, as Law Day 2003 approaches, to thank you for your jury service in the past year. [If juror appreciation activities are planned, mention them here].

As you know, jury service is the bedrock of our justice system. Without your participation, the system could not work. And without a healthy justice system, this community would not be the wonderful place that it is to work and live.

The Wisconsin Supreme Court in 1997 amended the statutes dealing with jury service to institute shorter terms of service and more efficient use of jurors' time. This will help ensure that the time and goodwill of citizens called for jury duty is not wasted or taken for granted. The changes, we hope, will preserve the jury system and enhance the quality of the decision-making process.

I thank you for your commitment to our justice system and invite you to call or write to XYZ with any suggestions or comments on your experience.

Sincerely yours,

Presiding Judge

# tips & resources

Dane County Law Library 210 Martin Luther King Jr. Blvd., Room 315 Madison, WI 53703 608/266-6316 Fax: 608/266-5988 Monday-Friday 8:30-4:30	Milwaukee Legal Resource Center Courthouse, Room 307A 901 N. 9th St. Milwaukee, WI 53233 414/278-4900 Fax: 414/223-1818 Monday - Friday 8 a.m. - 5 p.m.	Wisconsin State Law Library 120 Martin Luther King Jr Blvd, 2nd floor Madison WI 53703 800-322-9755 Fax: 608-267-2319 Monday - Friday 8 a.m. - 5 p.m.
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The Wisconsin State Law Library (WSLL) has numerous text and Internet resources that apply to this year's Law Day theme, including information on history and organization of the American judicial system and judicial independence. Our Web site and collection offer a variety of resources to help you plan and present your Law Day program. The people who attend your programs will also benefit from learning about the State Law Library's resources and services.

Please contact us for assistance in searching the Internet and/or borrowing library materials, whether it's for your Law Day program or another legal information need, and please inform the public about us, too.

Good luck with your planning, and may your Law Day event be successful!

## Searching the Internet for Legal Information

The Wisconsin State Law Library Web site ([wsll.state.wi.us](http://wsll.state.wi.us)), launched in 1999, is a one-stop resource for state and federal legal information available on the Internet. It provides links to many primary and secondary legal sources, presented in a well organized, easy-to-use format.

For information on a specific legal issue, our Legal Topics A-Z page is an excellent starting point. It was developed with the Wisconsin *pro se* user in mind and is a resource for people who need basic information or are not sure where to begin. Users can choose from over 250 topics, from Anatomy and Abortion to Worthless Checks and Zoning. Each topic is annotated and includes links to pertinent sections of the Wisconsin Statutes and Administrative Code, federal statutes and regulations, state and federal agency websites, and topic-related publications.

The Wisconsin Law page provides access to opinions issued by the Wisconsin Supreme Court and Court of Appeals, 7th Circuit U.S. Court of Appeals, and to selected opinions of Wisconsin's Western District U.S. Court. Users can also find information about Wisconsin Circuit Courts and link to the Wisconsin Circuit Court Access database. In addition to court related materials, this page includes links to legislative and executive branch resources such as Wisconsin Statutes, Administrative Code, Attorney General opinions, and agency decisions. For those interested in local issues, there is a comprehensive listing of links to ordinances and websites of various Wisconsin counties and municipalities.

The Legal Forms page provides links to many forms used in various courts and agencies, both federal and state. Users can search by topic and by court or agency name.

People interested in learning “how law works” will find good starting points in the righthand sidebar. Several legal pathfinders lead users to information about proper citing of legal materials, how the judicial system works, and the roles and relationships of statutory, administrative and case law. For those seeking counsel, there are links to information on hiring and working with an attorney.

The collections of the Wisconsin State Law Library, Dane County Law Library, and Milwaukee Legal Resource Center include over 150,000 volumes of law-related information, which are listed in the Library Catalog available on the web site. Materials can be loaned to court staff, government employees and attorneys. Citizens who wish to borrow materials should make requests through their local public libraries.

Other pages on the Web site include links to federal, other state, and tribal law, law reviews, law search tools, directories, reference tools and newspapers. Users may also submit law-related questions via e-mail. The address is listed on the Contact Us page.

## It's not all on the Internet

Anyone who has “surfing the Web” knows that not everything is available there, and it is not always free. This is as true for legal information as for any topic. Generally, primary law (statutes, regulations, court opinions) is available from the mid-1990s to the present, and secondary sources (treatises & practice materials) are less likely to be found and often on a fee-for-use basis. The exception is law reviews and journals, which are becoming increasingly available for free on the Internet. Don't find what you need? Contact the State Law Library. Our staff can help you identify print materials or determine what agency has the answer or resource you need.

The print collections of the State Law Library include both primary and secondary legal materials. Users can access opinions and briefs from the WI Supreme Court and Court of Appeals. They can also find appellate level decisions from the federal courts and any of the fifty states. The Library has historic and current federal statutes and regulations, and current statutes for every state in the nation. Our historic collections of Wisconsin Statutes and Wisconsin Session Laws date back to the Wisconsin Territory. Secondary sources include all State Bar of Wisconsin Continuing Legal Education (CLE) materials, topic-related treatises in all major legal practice areas, books aimed at the *pro se* user, and law reviews.

Chances are good that the Library has the information you're looking for, but if it doesn't, we can direct you to other resources. Through interlibrary loan agreements we can borrow materials from other libraries for court staff, government employees, and attorneys. In turn, we also loan materials to libraries throughout the United States.

The Wisconsin State Law Library serves court staff, government employees, attorneys and the public. Reference staff are available to assist users with their legal information needs and can be reached at (800) 322-9755 or by email at [wsl.ref@courts.state.wi.us](mailto:wsl.ref@courts.state.wi.us). Library staff are not attorneys and therefore cannot provide legal advice. Users who need the services of a qualified legal practitioner are referred to appropriate resources or agencies.

## Services

- o Reference assistance, available to anyone – in person, by phone, fax, and email.
- o Web site provides access to WISOLL (Wisconsin State Online Law Library), the library's automated catalog, and links to many law-related web resources.
- o LegalTrac, a web-based index to articles published in over 800 law reviews and journals from 1980 to the present. Some articles are full-text. Available on our Web site, accessible by library cardholders. Call for more information.
- o Numerous electronic research tools, available for onsite use on the library's Public Access Station PC network.

- o Computerized Legal Research Service using Westlaw™ and LexisNexis™
- o Document Delivery Service using mail, fax, express mail and email. Most requests processed and delivered same day.
- o Circulation By Mail of library materials, for attorneys licensed to practice in Wisconsin.
- o Interlibrary Loan service using OCLC, a worldwide library resource sharing database.
- o After hours service, for attorneys licensed to practice in Wisconsin. Please call for information.
- o Library orientation tours. Please phone to schedule.
- o Seminars and workshops on using legal information resources, print and electronic. Please call for more information.
- o Study and meeting spaces available for use, some on a rental basis. Please call for more information.

## Resources at the Wisconsin State Law Library

- o Approximately 140,000 volumes, in all formats.
- o All primary sources for federal statutory, administrative and case law.
- o Statutes, case reporters and court rules for all 50 states.
- o Special Wisconsin materials: Briefs and Appendices for Supreme Court and Court of Appeals cases; Opinions of the Attorney General; replaced pages from the Wisconsin Administrative Code; Legislative drafting records; selected decisions of state administrative bodies such as WERC, LIRC, and Personnel Commission; Wisconsin Jury Instructions, including superseded versions; Judicial Council minutes and committee files.
- o Significant treatises and looseleaf services in all legal practice areas; State Bar of Wisconsin and UW Continuing Legal Education materials; Young Lawyers Division materials, of special interest to newer attorneys.
- o Selected U.S. government documents, including many Congressional committee reports, federal agency reports and administrative decisions.
- o Over 650 periodical subscriptions, including law reviews from ABA-accredited law schools, bar association journals, and other law-related titles.

## Resources at the Milwaukee Legal Resource Center & Dane County Law Library

- o Primary and secondary Wisconsin materials, including State Bar CLE titles.
- o Selected primary sources of federal statutory, administrative and case law.
- o Significant treatises in selected legal practice areas.
- o Marquette Law Review, Wisconsin Law Review, Wisconsin Lawyer, and selected other Wisconsin legal periodicals.
- o MLRC keeps replaced pages from the Wisconsin Administrative Code.
- o Both libraries sell selected legal forms for self-represented litigants, primarily in the area of divorce.

Courtesy of the Wisconsin State Law Library (Amy Crowder, Web Resources Librarian/Cataloger)



# web sites

The World Wide Web has placed an overwhelming wealth of information at our fingertips, but finding useful material can be difficult and time consuming. The following list identifies law and government Web resources in specific categories, including: children and families, courts, law-related resources, and government documents and links. These contain information that might be useful in presentations and handouts, and ideas for programs that might be replicated.

**Wisconsin court system** site at [www.wicourts.gov](http://www.wicourts.gov) provides current information on the state's trial and appellate courts, as well as *The Wisconsin Juror Handbook*, the *Guide to Small Claims Court*, *A Citizens' Guide to Filing an Appeal*, and numerous court forms. Site users can access Wisconsin Supreme Court and Court of Appeals Opinions, and use Wisconsin Circuit Court Access to find trial court and appellate records. The site also provides information on court-related volunteer opportunities and Wisconsin legal history.

**U.S. Supreme Court** at [www.supremecourtus.gov](http://www.supremecourtus.gov) provides current information on oral arguments and decisions. The site also provides information on visiting the Court.

**The federal judiciary** site at [www.uscourts.gov](http://www.uscourts.gov) provides information on the structure and function of the federal courts.

**The Oyez Project of Northwestern University** at [oyez.nwu.edu](http://oyez.nwu.edu) offers brief biographies and portraits of all 108 U.S. Supreme Court justices, summaries of historic cases and U.S. Supreme Court opinions, and a "virtual tour" of the Supreme Court building.

## Wisconsin:

State of Wisconsin e-government portal – [www.wisconsin.gov](http://www.wisconsin.gov)

Wisconsin statutes – [www.legis.state.wi.us/rsb/stats.html](http://www.legis.state.wi.us/rsb/stats.html)

Wisconsin Constitution – [www.legis.state.wi.us/rsb/2wiscon.html](http://www.legis.state.wi.us/rsb/2wiscon.html)

Current Wisconsin legislation – [www.legis.state.wi.us/1999/data/acts](http://www.legis.state.wi.us/1999/data/acts) (Acts);  
[www.legis.state.wi.us/billtext.html](http://www.legis.state.wi.us/billtext.html) (Bills & Resolutions)

Wisconsin State Law Library – <http://wsll.state.wi.us>

State Bar of Wisconsin – [www.wisbar.org](http://www.wisbar.org) and [www.legalexplorer.com](http://www.legalexplorer.com)

## Local Ordinances:

Wisconsin State Law Library – <http://wsll.state.wi.us/ordinances.html>

League of Wisconsin Municipalities – [www.lwm-info.org/](http://www.lwm-info.org/)

## Legal Research:

Cornell Law School Legal Information Institute – [www.law.cornell.edu](http://www.law.cornell.edu)

FindLaw – [www.findlaw.com](http://www.findlaw.com)

LawGuru – [www.lawguru.com](http://www.lawguru.com).

Public Library Toolkit from the American Association of Law Libraries – [www.aallnet.org/sis/lisp/toolkit.htm](http://www.aallnet.org/sis/lisp/toolkit.htm)

Nolo’s Shark Talk dictionary; plain-English definitions for over a thousand legal terms – [www.nolo.com/dictionary/wordindex.cfm](http://www.nolo.com/dictionary/wordindex.cfm)

Nolo’s Legal Encyclopedia – plain-English articles on everything from caring for children to wills and estate planning - [www.nolo.com/encyclopedia/index.html](http://www.nolo.com/encyclopedia/index.html)

## General:

American Bar Association – [www.abanet.org/publiced](http://www.abanet.org/publiced)

U.S. Department of Justice – [www.usdoj.gov](http://www.usdoj.gov)

U.S. Department of Justice, Justice for Kids & Youth – [www.usdoj.gov/kidspage](http://www.usdoj.gov/kidspage)

## Miscellaneous:

Dumb Laws – [www.dumblaws.com](http://www.dumblaws.com)

Famous American Trials – [www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm](http://www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm)

National Youth Court Center – [www.youthcourt.net](http://www.youthcourt.net)

Wisconsin Teen Courts – [www.courts.state.wi.us/media/Vol\\_Nwsltrs/Teen\\_Courts\\_9-00.htm](http://www.courts.state.wi.us/media/Vol_Nwsltrs/Teen_Courts_9-00.htm)

## Government Documents and Resources

FirstGov – Information portal for the United States Federal Government - [www.firstgov.org](http://www.firstgov.org)

My Government; ZIP code-based information on government – [government.aol.com/mynews](http://government.aol.com/mynews)

Library of Congress list of executive branch government Web sites – [lcweb.loc.gov/global/executive/fed.html](http://lcweb.loc.gov/global/executive/fed.html)

U.S. National Archives and Records Administration – [www.nara.gov](http://www.nara.gov)

U.S. Constitution – [www.law.cornell.edu/constitution/constitution.table.html](http://www.law.cornell.edu/constitution/constitution.table.html)

# order

## Handouts from the State Bar of Wisconsin

The State Bar is pleased to provide the following state bar publications to support your Law Day activities. There is a small charge for some of the publications. The first 100 items ordered will be shipped at no charge. There is a small shipping charge for more than 100 items.

How will these publications be used for Law Day activities? \_\_\_\_\_

	Quantity	Cost
1. Lawyer Referral Service brochures	___	
2. Business Assistance brochures	___	
3. ADR pamphlets	___	
4. Arrest pamphlets	___	
5. Bankruptcy pamphlets	___	
6. Custody & Placement pamphlets	___	
7. Guardian ad Litem in Family Court pamphlets	___	
8. Hiring & Working with a Lawyer pamphlets	___	
9. Divorce pamphlets	___	
10. Health Care pamphlets	___	
11. Landlord/Tenant Law pamphlets	___	
12. Marital Property pamphlets	___	
13. Personal Injury pamphlets	___	
14. Probate pamphlets	___	
15. Buying & Selling Real Estate pamphlets	___	
16. Revocable Living Trust pamphlets	___	
17. Small Claims Court pamphlets	___	
18. Starting a Business pamphlets	___	
19. Traffic Accident pamphlets	___	
20. Wills & Estate Planning pamphlets	___	
21. The Bill of Rights (booklet)	___ @ \$.25 ea	___
22. Adventures in Law (comic book)	___ @ \$.25 ea	___
23. Opportunities in Law (booklet)	___ @ \$.25 ea	___
24. Understanding Guardianships: A Handbook for Guardians	___ @ \$2.50 ea	___
25. Powers of Attorney & Trusts: Duties & Rights as Agents & Trustees	___ @\$2.50 ea	___
26. Handbook for Personal Representatives	___ @\$2.50 ea	___
27. Pioneers in the Law booklet	___ @ \$7.50 ea	___
28. Pioneers in the Law videotape	___ @ \$10.00 ea	___

Subtotal \_\_\_\_\_ (Quantities over the first 100 - \$.02 each item)  
 Total items \_\_\_\_\_  
 Total items less 100 \_\_\_\_\_ (100 items or less - no charge)  
 \*Shipping: \_\_\_\_\_  
 TOTAL ENCLOSED \_\_\_\_\_

Note: Due to demand and limited supplies, please order only what you think you will need.

County \_\_\_\_\_  
 Person ordering \_\_\_\_\_  
 Street address \_\_\_\_\_  
 \_\_\_\_\_  
 City/State/ZIP \_\_\_\_\_  
 Telephone \_\_\_\_\_

ORDER NO LATER  
 THAN  
 APRIL 4, 2003

CP119

Make checks payable to the  
 State Bar of Wisconsin.

Return checks and order forms  
 to:  
 State Bar of Wisconsin, PO Box  
 7158, Madison, WI 53707-7158.

# order

## Resources from the Wisconsin Supreme Court

Due to budget considerations, the Wisconsin Supreme Court is not mailing out free copies of publications this year. There are a variety of publications available on the court system Web site at [www.wicourts.gov](http://www.wicourts.gov). Here are a select few:

**Children’s Activity Booklet** – [www.wicourts.gov/media/pdf/Children\\_in\\_courts.pdf](http://www.wicourts.gov/media/pdf/Children_in_courts.pdf)

**Famous Cases of the Wisconsin Supreme Court:** A booklet containing 25 case synopses – [www.wicourts.gov/History/famous\\_cases.htm](http://www.wicourts.gov/History/famous_cases.htm)

**Wisconsin’s Legal History:** A packet of plain-English articles – [www.wicourts.gov/History/articles/index.htm](http://www.wicourts.gov/History/articles/index.htm)

**Portraits of Justice:** A book with biographies and portraits of the 77 men and women who have served on the Wisconsin Supreme Court since statehood – [www.wicourts.gov/supreme/Portraits\\_of\\_Justice.htm](http://www.wicourts.gov/supreme/Portraits_of_Justice.htm)

**Court with Class:** A brochure explaining a program that brings students statewide to oral argument at the Supreme Court – [www.wicourts.gov/media/Court\\_With\\_Class.htm](http://www.wicourts.gov/media/Court_With_Class.htm)

**Case of the Month:** Each month, materials from an interesting, current case in the Wisconsin Supreme Court are presented. Access the archive for complete materials on 22 cases from the past two years – [www.wicourts.gov/media/CaseMonth/Case\\_of\\_the\\_Month.htm](http://www.wicourts.gov/media/CaseMonth/Case_of_the_Month.htm)

# order

## How to Order Plaques and Ribbons

In recognition of the contest winners, the Law Day committee may choose to present the student(s) with a plaque or ribbon. Plaques might be awarded to the essay contest winners and ribbons to the poster contest winners.

If the committee would like to order the plaques and/or ribbons from a local business, the yellow pages offer a wide selection. Another option would be to contact one of the Madison businesses listed below; all ship statewide.

### Deppe's Awards Plus

Phone: 608/244-8812 or 800/959-4045

Email: [info@deppesawards.com](mailto:info@deppesawards.com)

[www.deppesawards.com](http://www.deppesawards.com)

### Championship Awards

Phone: 608/226-0440

Fax: 608/226-0443

E-Mail: [cawards@inxpress.net](mailto:cawards@inxpress.net)

[www.championshipawards.com](http://www.championshipawards.com)

### Total Awards & Promotions, Inc.

Phone: 608/833-1716

Fax: 608/833-2160

E-Mail: [Total@AwardsSmall.Com](mailto:Total@AwardsSmall.Com)

[www.awardssmall.com](http://www.awardssmall.com)

When placing an order, it may be helpful to have this information on hand:

- o The price of a standard 4x6 plaque ranges from \$8.00 to \$13.00. Some businesses only offer 5x7 plaques.
- o The lettering charge on the plaques ranges from 12 cents to 22 cents per character.
- o The price of ribbons begins at 30 cents per ribbon. Some businesses may include a set up fee of \$5.00 to \$10.00 and/or require a minimum order.
- o Most businesses only require one week to complete an order of ribbons or plaques.

Large orders may require up to two weeks to complete and ship.

# order

## How to order Banners

A banner on the outside of the courthouse is a great way to advertise a Law Day open house. Look in your local yellow pages under "Flags and Banners" for a vendor or call one of the businesses listed below. All provide statewide service.

In general, a plain red-white-blue eight-foot "bunting" banner will cost \$50. A custom-made, 20-foot banner with a message such as "Happy Law Day" will run between \$185 and \$400 and should last for several years.

### **The Design Loft**

St. Louis, MO  
800/995-3524

### **Fox Marking Systems**

Menasha, WI  
800/236-3699  
[www.foxstamp.com](http://www.foxstamp.com)

### **Horizon Flag & Banner Co.**

Milwaukee, WI  
800/727-2579

### **Victory Corps**

(Formerly Vaughn Display and Flag)  
Minneapolis, MN  
800/328-6120  
Fax: 763/561-8523  
Email: [pfoosum@victorycorps.com](mailto:pfoosum@victorycorps.com)  
[www.victorycorps.com](http://www.victorycorps.com)

# sample

*Celebrating Judicial Independence*

**JOE SCHMOE**

In recognition of his first-place essay in the Wisconsin court system's celebration of Law Day at the Dane County Courthouse.

Dated at Madison, Wisconsin, this 1st day of May 2003

[signed by judges/county bar president]