



What is Homeschool Court?



It is a fun and innovative way to teach your children about the judicial branch of our government and immerse them in the experience.

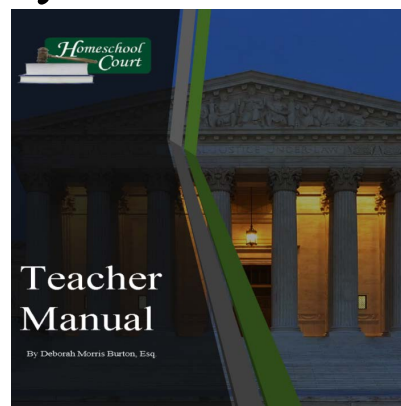
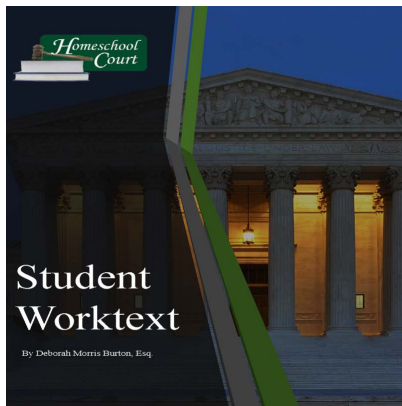
It is an unapologetically Christian mock trial curriculum that can be used alone or as part of a civics, government, logic, or writing course.

Children as young as 4th grade to those in high school will learn more than you can imagine!

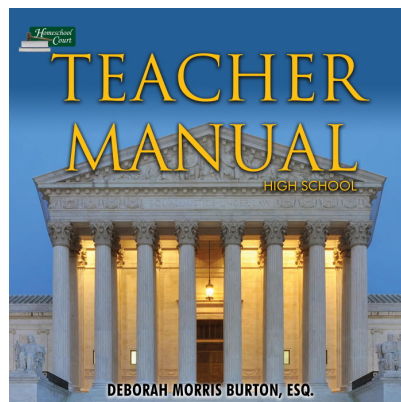
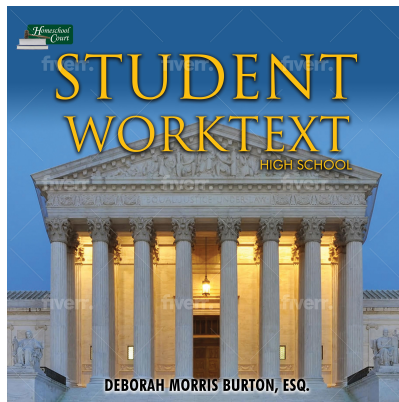


There are two editions of the Student Worktext and the Teacher Manual—one for grades 4-8 and the other for high school.

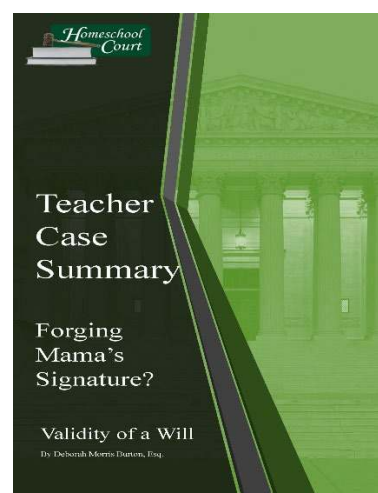
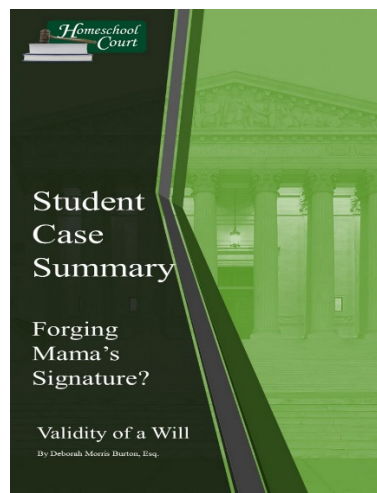
Here's all you need:



OR



AND



(Your choice of Case Summary)

Digital items can be bound at a copy shop, used in a binder, or read on your computer.

Now let's take a sneak peak
inside the Student Worktext...



The Teacher's Manual includes
all the pages of the worktext,
as well as additional tips,
discussion ideas and resources.

Leaders can choose a mock trial,
a debate or a final paper to conclude the class.



*Homeschool
Court*



Student Worktext

By Deborah Morris Burton, Esq.

TABLE OF CONTENTS

PREFACE TO THE STUDENT	3
CHAPTER 1: THE BASICS	7
CHAPTER 2: BIBLICAL FOUNDATION AND APPLICATION.....	23
BIBLICAL APPLICATION	47
CHAPTER 3: WHO’S WHO IN THE COURT SYSTEM?.....	57
CHAPTER 4: OUR JUDICIAL SYSTEM.....	71
CHAPTER 5: TYPES OF CASES	89
CIVIL CASES	104
CONSTITUTIONAL CASES	118
CHAPTER 6: STEPS IN A TRIAL OR AN APPEAL	129
STEPS IN A TRIAL	130
STEPS IN AN APPELLATE CASE	136
CHAPTER 7: PERSUASIVE ARGUMENTS	151
CHAPTER 8: PREPARING FOR THE MOCK TRIAL	165
PREPARE INDIVIDUALLY: TRIAL.....	171
PREPARE INDIVIDUALLY: APPEAL	179
PREPARE AS A TEAM: TRIAL.....	186
PREPARE AS A TEAM: APPEAL.....	197
PREPARE AS A JUDGE: TRIAL	202
PREPARE AS A JUSTICE: APPEAL	212
CHAPTER 9: THE MOCK TRIAL.....	221
GRADING RUBRIC: MOCK TRIAL: JUDGE/JUSTICE.....	222
GRADING RUBRIC: MOCK TRIAL: ATTORNEY	223
GRADING RUBRIC: MOCK TRIAL: BAILIFF/MARSHAL.....	224
GRADING RUBRIC: MOCK TRIAL: JURY	225
GRADING RUBRIC: MOCK TRIAL: WITNESS	226
HOMESCHOOL COURT EVALUATION.....	227



Preface to the Student

Welcome to the Homeschool Court Student Worktext! This course is an overview of the American judicial system and ends in a mock trial. Students not in a mock trial class may use the curriculum and substitute an essay, paper, or debate.

Here is a brief overview of the course using a question-and-answer format.

What is a mock trial?

Simply put, a mock trial is a pretend trial. After learning basic information about our judicial system, you will participate in a trial in which you may act as the judge, attorney, witness or bailiff. Moot courts are similar, but they primarily refer to cases in which one student attorney argues against another before a panel of justices (similar to the way our U.S. Supreme Court functions). While there are



Chapter 1: The Basics

This course will give you an overview of the American judicial system. At the end of the course, you will participate in a mock trial, paper, or debate. This first chapter will provide a solid foundation to understand the basics you need to be able to successfully complete the course.

Experiences with the Law

Information about the law and the court system is easy to find in today's society. There are many popular TV shows and movies that feature lawyers, judges, and their cases. Lawyer advertisements can be seen or heard on TV, on the side of a bus or on the radio. Many people have a lawyer or two in their family. And of course, lawyer jokes are very popular!

Some of the information you read or see about the legal system is not always accurate. Most readers or viewers are not likely to be very interested in routine cases or in the details of court procedure. They are more likely to be interested in unusual or controversial cases, so that is what is most likely to be portrayed.

You may have had some interaction with the law. Perhaps a friend or family member has testified in court, served on a jury, or been involved in a lawsuit. Any personal interaction with the court system will influence your perception of the

Marjorie v. Bill

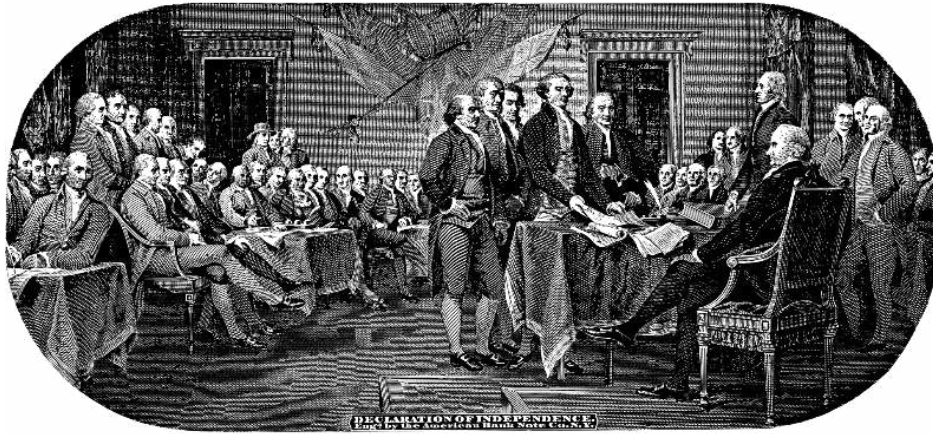
Read the following overview and then answer the questions.

Marjorie was stopped at a traffic light on Green Street while driving home from work. The light turned green, and Marjorie turned left onto Main Street. Bill was coming the other way on Green Street and hit Marjorie's car on the passenger side. Both cars suffered damage and Marjorie was not able to work for a month due to injuries from the crash. Marjorie says her turn signal was on, indicating she was turning left, while Bill says she did not have her turn signal on. Marjorie sued Bill, seeking compensation (payment) for the automobile repair bill, her medical bills, and the salary she did not receive from her job while she was recovering from the accident.

- What is the conflict in this case?

- Who brought this case to court? Why

- Who is defending himself? What reason does he give as a defense?



Chapter 2: Biblical Foundation and Application

This chapter will only scratch the surface of our nation's Biblical foundation and how Biblical principles are applied in practice. There are wonderful resources that go into both subjects in great depth and could constitute separate courses of their own.

The purpose of this chapter is to explore the Biblical foundation of our country and view the law and legal concepts from a Biblical perspective.

The first half of the chapter will focus on our country's Christian *foundation* of government and the law. You will learn more about our country's legal history.

The second half of this chapter will focus on the *application* of biblical principles in our law. You will study legal concepts through the filter of a Biblical worldview. In this section, you will learn more about how principles from the Bible can and should impact Christians in very practical ways.

Although related, these topics are separate. One could have a Biblical worldview without his country's legal system having a Biblical foundation. Likewise, a country's legal system may have been founded on a Biblical foundation without its citizens currently possessing a Biblical worldview. In fact, this is often the case in our society, which is why this is a crucial element of a solid understanding of our legal system.

The High School edition includes additional material. For example, in Chapter 2, students learn more about the famous “Danbury Letters,” from which we get the phrase “Separation of Church and State.”

has also included wise principles that relate to certain crimes, contracts, borrowing and lending, accidents, slander and more—all of which are concepts covered in our laws today. In addition, there is much in the Bible about lawyers, judges, witnesses, justice, mercy.

Some of the safeguards in our legal system are found in the Bible. See what the following verses describe about judges and trials:

- Exodus 18:13—trials were to be public,
- Deut. 1:16 and Deut. 25:1—disputes were to be presented to judges,
- John 7:51—the accused was to be heard,
- Deut. 19:15-19—principles about witnesses and punishing witnesses who lie,
- Deut. 17:6-7—the accused should not be put to death on the testimony of only one witness, but two or three witnesses,
- Hebrews 6:16—oaths were taken,
- Deut. 16:18-20—impartiality of judges (including no bribery),
- 1 Kings 3:9—judges are in need of great wisdom to be able to discern between good and evil,
- Acts 25:9-11—Paul argues a jurisdictional issue (about who is appropriate to judge him)
- 1 Samuel 7:16—describes a circuit court system (which we have today)



Chapter 3: Who's Who in the Court System?

Like cogs in a wheel, there are many people who are crucial to keep the court system functioning properly. You will learn about several of them in this course. If you will be participating in a mock trial, understanding your role is important. Whether you will be in a mock trial or not, as a citizen it is important to understand each role.

In court cases, there are three ways a case is decided: by a judge, by a jury, or by a panel of justices. A trial where the judge decides the outcome of the case is called a *bench trial*. Whether a judge, a jury or a panel of justices decides the result, a cornerstone of our judicial system is that whoever makes the decision must be impartial (treats everyone the same).

A **jury** is a group of people chosen from the community who will listen to all the evidence presented in the trial and make its decision based on that evidence. If certain evidence is not presented during the trial, the jury or judge cannot consider it in its decision-making. It is very important for attorneys to make sure they present all the evidence helpful to their side, or it can't be considered.

In your mock trial, if you are a judge or jury member who cannot hear what is being said, let your teacher know. If you can't hear what is said or it is not clear, you will not be able to make a fair decision.

The **judge** is in charge of the court room during the trial. If there are questions about whether certain evidence can be presented, the judge makes that determination. If one attorney asks a question of a witness that the other attorney

What Kind of Witness Am I?

*CIRCLE THE TYPE OF WITNESS DESCRIBED:
LAY/EXPERT
MATERIAL/CHARACTER*

1. A bystander who saw a man grab a woman's purse.

LAY/EXPERT

MATERIAL/CHARACTER

2. A police specialist who examined fingerprint evidence on a glass from the crime scene.

LAY/EXPERT

MATERIAL/CHARACTER

3. A psychologist with a specialty in childhood abuse.

LAY/EXPERT

MATERIAL/CHARACTER

4. A police officer that stopped a motorist for speeding.

LAY/EXPERT

MATERIAL/CHARACTER

5. A longtime friend of the accused.

LAY/EXPERT

MATERIAL/CHARACTER

6. An authority who designs fences around pools.

LAY/EXPERT

MATERIAL/CHARACTER



Chapter 4: Our Judicial System

Many students are familiar with the three branches of our government: judicial, legislative, and executive. Here is a simple explanation for what each branch is responsible:

- Legislative—makes the laws
- Judicial—interprets the laws
- Executive—administers the laws

Homeschool Court focuses on the judicial branch of the government. The mock trial at the end of this course will require you to interpret the law based on particular facts. Slightly different facts can change the outcome of a case.

In the United States, there are different types of courts in which a case can be tried. *Jurisdiction* is what gives courts the authority to hear and decide cases. A court must have proper jurisdiction to make decisions about cases. Usually a court must have jurisdiction over the people involved in the case and it must be in the proper location. We will look at three categories of courts:

- Federal or State Court
- Trial or Appellate Court
- Civil or Criminal Court

The High School edition
and its Teacher Manual
provide a lot of great content
about the U.S. Supreme Court.

Teaching civics has never been so easy!
Engaging content introduces students to the legal system with depth and breadth.
Students demonstrate their new knowledge with an end-of-course mock trial, debate or paper.
The Teacher Manual makes instruction easy with tips, ideas, and resources.

HERE'S WHAT PEOPLE ARE SAYING ABOUT HOMESCHOOL COURT

I didn't realize how excited my kids would be about learning about the court system, laws, and having a mock trial until we started using Homeschool Court curriculum....I love that this curriculum spans such a wide age range of kids! It's perfect for homeschool families to teach as a group or individually...What a great curriculum this is, and I would highly recommend this to any family who wants to teach their children about law and the court system.

Desiree

The discussions it prompted were really rich. As a teacher, I found it to be a great blend of overview and in-depth discussion....The content and questions laid a great foundation for nurturing a respect for God's role in American government. Considering my son is only in the 4th grade, he learned a lot just in the basic reading of the material...I highly recommend this curriculum for any government or civics credit, especially because of its foundation in and connection to Biblical teaching.

Amy

The Teacher's Manual is, in my opinion, the most amazing part of this program. It's written as if the author is standing with you, walking you through teaching the course at every step. You don't have to be a lawyer to teach your children about our legal system! ... After reading through the Teacher's Manual, I was very encouraged and confident that I could teach this course.

Michelle

It's important our children are able to express their opinions clearly and defend their faith and beliefs—Homeschool Court is a wonderful resource for teaching our children about the judicial system and gaining confidence in expressing their ideas....The teaching tips and helpful tools [in the Teacher Manual] make it a user friendly program.

Linda

I was very impressed with how well the curriculum is presented. The kids found it interesting and engaging, encouraging great class discussion. We began the first semester by taking a guided tour of our local courthouse. We spent two semesters covering the material and held our trial in the courtroom of our local courthouse. Our local judge even sat right behind our student judge during the trial. I highly recommend this curriculum.

Christy

Additional thoughts and links to in-depth reviews can be found at
<https://www.homeschoolcourt.com/testimonials>



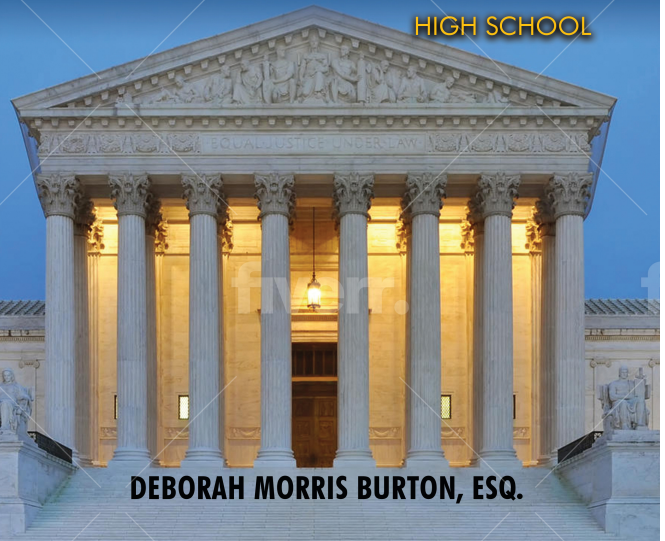
STUDENT WORKTEXT

DEBORAH MORRIS BURTON, ESQ.



STUDENT WORKTEXT

HIGH SCHOOL



DEBORAH MORRIS BURTON, ESQ.



My Neighborhood

Read each circumstance below that involves you and your neighbor and indicate whether such a case should be tried in civil or criminal court by writing “civil” or “criminal” on the blank.

Because these circumstances involve you and your neighbor, generally they will all belong in a state court. However, there is one circumstance below where this is not true and the case would be heard in a federal court. Place a star near that situation.

_____ You ignored the “Do Not Enter” signs and swam in your neighbor’s swimming pool while they were out of town

_____ Your dog bit your neighbor’s child

_____ Your neighbor’s child broke your window

_____ You injured your neighbor’s visitor from out of state and he incurred over \$100,000 in medical bills

_____ Your neighbor took your lawn mower without asking

_____ Your tree fell on neighbor’s fence and damaged it

_____ You were at a party at your neighbor’s house when you saw their beautiful utensils and put one in your pocket and took it home

Image by Ricarda Mölck from Pixabay



(Image by Clker-Free-Vector-Images from Pixabay)

Where Do I Go?

Directions: You are going to look at facts and decide whether the claim belongs in state or federal court, trial or appellate court, and civil or criminal court. For each situation, write state/federal, trial/appellate, civil/criminal to indicate the courts that would try that type of claim. Then write your reasons for choosing those courts.

- 1. Anne went to the doctor when she was sick over a year ago. The doctor's office sent her a bill for \$75, but she has not paid it. The doctor's office wants payment for the services.**



Chapter 5: Types of Cases

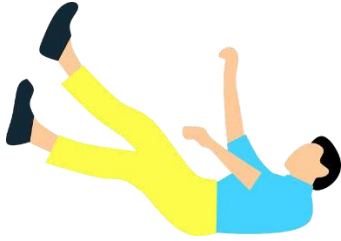
Now that you have been introduced to some very basic legal concepts, you are ready to understand more difficult ones. This chapter could be considered a *very* mini-law school!

Just as there are different people involved in court cases, from a material witness to a judge, there are different types of cases. While an in-depth study of each type is not within the scope of this course, an overview of some of the more common types will help students better prepare for and participate in the mock trial at the end of the course. It is also pretty interesting!

The types of cases you will learn about in this course are criminal, civil, and constitutional cases. In both criminal and civil cases, there are *elements* (requirements of the crime or claim) that the one who brought the case must prove to be successful. If it is a criminal case, the state that is prosecuting a person must prove each element or section of the crime for the person to be found guilty. If it is a civil lawsuit, the plaintiff must prove each element of the case to hold the defendant responsible.

Criminal Cases

Criminal cases are those in which the government has determined that certain acts are wrong and injure the public and therefore, should be prosecuted when they occur. The state or federal government punishes those who commit



Carl's Unlucky Day

Carl was a member of a fitness club. He went to work out one evening after work. Unbeknownst to him, someone had spilled a soda an hour before, right around a corner he had to walk around to get to the locker room and change his clothing. He couldn't have seen the wet floor before he turned, so he slipped and fell, breaking his leg.

What was the duty owed to Carl?

Was the duty of care breached by the fitness club?

What damage was caused?

What If...

...the spill occurred just moments before Carl walked there?

...Carl fell but only twisted his ankle and was able to continue working?



Image by Wynn Pointaux from Pixabay.

Constitutional Cases

Both states and the federal government have constitutions that protect certain rights of each citizen. Constitutions are a written document from which the government obtains its powers. A state constitution is the supreme law of that state, while the United States Constitution is the supreme law of the United States.

Certain rights come directly from the Constitution. If a citizen believes his rights are being violated, he may bring a case to protect that specific right. Many of the same rights found in the country's Constitution are found in a state's Constitution or apply to the states, too. The Bill of Rights are the first ten amendments to the Constitution that set out certain rights protected for all citizens.

When someone believes that the government has violated his rights, he can take the government to court to enforce those rights. It is important to note that a state or federal Constitution protects an individual's rights from being trampled by the government (local, county, state or federal).

For the purposes of this text, we will focus on the Bill of Rights, which are the first ten Amendments to the Constitution. They are as follows, with simple explanations after the exact words:

First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.



Chapter 6: Steps in a Trial or an Appeal

You have learned quite a few legal terms, how a Biblical worldview and the foundation of our government affect the legal system, about the participants in the court system, and even specifics about the different types of courts that comprise (make up) our court system.

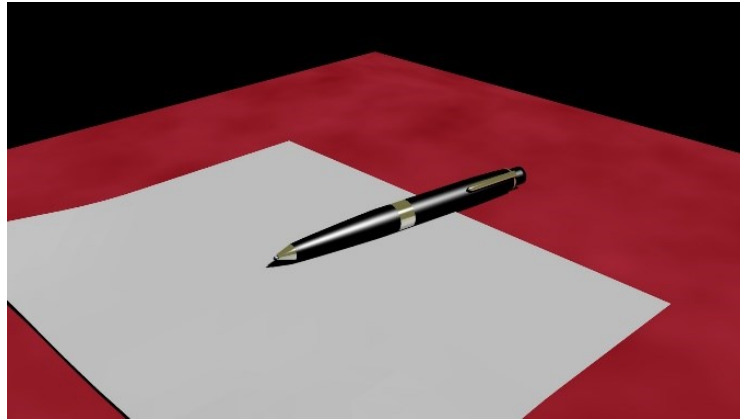
In this chapter, we are going to take that information and consider what a trial or an appeal is like step-by-step. You will feel more comfortable participating in the mock trial if you understand not only who participates in a case and where that case is decided, but what the participants do and say each step of the way.

Of course, in the actual court system, each judge or justice is a little different and manages his courtroom differently. The steps you will learn are the “general rule.”

We will now go through the steps in a trial in some detail. This will enable you to understand why certain things happen. When it is time for you to participate in your mock trial, you will use a version of this without the explanations. When you begin to prepare for your case, it is helpful to highlight the areas where you speak or act.

You can see when opening and closing statements are made, as well as when each attorney will present his witnesses and evidence. You can see when each attorney can cross-examine (ask questions of) the other attorney’s witnesses. Finally, you see when the jury deliberates and states its verdict. The instructions in italics (*like this*) explain what to do—whether to sit, stand, raise your right hand.

Students are given a
step-by-step process
to prepare for the mock trial or debate.
leaders are given tips and resources
to help them guide students throughout the course.



Chapter 7: Persuasive Arguments

Writing persuasively is an important skill in life. While you may not become a lawyer (or you might), attempting to influence others' decisions is a powerful skill no matter what your job is when you are older. There are many reasons you may want to be persuasive. One important reason might be to be able to influence policymakers in your life: your local state representative or senator, your Congressman or Senator, the President. You may want to write an editorial or letter to the editor about a cultural issue about which you feel passionately. Everyone who has this skill has the possibility of greatly impacting their lives and the lives of those around them! This helps you exercise your First Amendment rights.

In this chapter you will learn to write persuasively in the context of a mock trial. You will write and present opening and closing statements and ask questions of witnesses (both your own and opposing witnesses). Learning to write more persuasively can greatly enhance your logic, debate and writing skills. Being able to critically examine various arguments will help you identify what makes them weak or strong.

On the next page you will find a worksheet to give you practice taking a position and defending it. Remember to use evidence to support your position and to anticipate the arguments from the other side.



Chapter 8: Preparing for the Mock Trial

In this course, you have developed a strong understanding of the U.S. legal system. You have learned about its beginning, who works within the judicial system, the organization of the federal and state courts, different categories of law, the exact steps in a trial or appeals case, and how to write opening and closing statements and witness questions. You have had the opportunity to analyze fact patterns and to write persuasively.

Now you will use the knowledge you have gained to prepare for a mock trial. (If you are ending the course with a debate or paper the preparation will be similar.)

In these sessions prior to the mock trial, you will be completing your final preparation. This chapter will explain step-by-step how to prepare an effective case, whether you are arguing it in a mock trial, a debate, or a paper.

Each class will have a different amount of time to prepare for the mock trial, debate, or paper. Use whatever time you are given to prepare as best you can.

The steps to prepare are:

1. Understand your Case Summary.
2. Prepare individually.
3. Prepare as a team.
4. Prepare as a class.

Understand Your Case Summary

1. Write the name of the Case Summary.

2. Circle the type of case you will be working on.

TRIAL

APPEAL

3. What is your role?

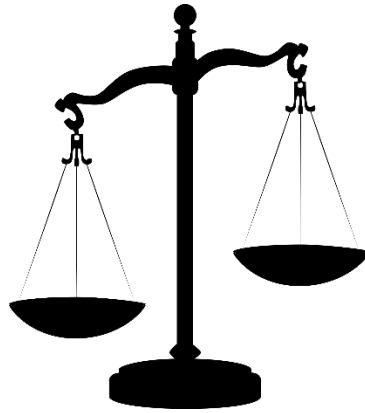
4. Circle what team you will be on: plaintiff, prosecution, defense

PLAINTIFF

PROSECUTION

DEFENSE

5. What are the facts in the case?



Chapter 9: The Mock Trial

For those of you who will end this course with a mock trial or a debate: It's the big day!

Remember that Homeschool Court is meant to be a fun experience. You have prepared as thoroughly as you are able, so try to relax and enjoy your role. Hopefully, you will have family and friends who can attend and provide support. Be ready to show them what you have learned in these weeks, because you have been exposed to many legal concepts. No matter how many weeks your class has lasted, you know more now than when you started the class.

As your Homeschool Court experience ends, I trust that you have grown in the process. I hope that you have strengthened these skills:

- Understanding the American judicial system
- Comprehending and analyzing legal issues
- Writing persuasively
- Working as a team
- Speaking effectively in public

May God use whatever skills have been strengthened to His glory, may He bless your diligence, and may you follow Him all your life.

Celebrate Your Mock Trial

Celebrate your student's hard work in the Homeschool Court course or in a mock trial with one of these unique and memorial t-shirts.



More designs to come.

Go to this website for all the details and to discover all the designs, colors and sizes available:

<https://homeschool-court.creator-spring.com/>

If you have any questions about the Homeschool Court curriculum and how it could be used by your family or group, please write to admin@homeschoolcourt.com.

