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| **TEXAS CTE LESSON PLAN**  [www.txcte.org](http://www.txcte.org) | |
| **Lesson Identification and TEKS Addressed** | |
| **Career Cluster** | Law, Public Safety, Corrections & Security |
| **Course Name** | Court Systems and Practices |
| **Lesson/Unit Title** | Criminal Justice System and the Courts |
| **TEKS Student Expectations** | **§130.340. (c) Knowledge and Skills** (2) The student examines the structure of the legal system in the United States. The student is expected to:  (A) trace the history, structure, and function of state and federal court systems and criminal procedure;  (B) compare and contrast the state court system and the federal court system |
| **Basic Direct Teach Lesson**  (Includes Special Education Modifications/Accommodations and  one English Language Proficiency Standards (ELPS) Strategy) | |
| **Instructional Objectives** | The students will be able to:   1. Describe the historical foundations of the federal and state court systems 2. Identify the levels and functions of the federal and state court systems   3. Describe the criminal cases heard in the various courts |
| **Rationale** | Understanding the history, structure, and function of the state and federal courts and criminal procedure is pertinent to students seeking careers in law and public safety. |
| **Duration of Lesson** | 3-6 hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | * Civil law * Criminal law * Marbury v Madison * Circuit riders |
| **Materials/Specialized Equipment Needed** | * Criminal Justice System and the Courts Crossword Puzzle and Key * Computer-based presentation software or posters and drawing materials * Computers and Internet * Projector and screen |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | What are the history, structure, and function of the state and federal courts and criminal procedure? |
| **Direct Instruction \*** | Select three short videos to watch from “Federal Pathways to the Bench”:  <http://www.uscourts.gov/about-federal-courts/educational-resources>  (at least one magistrate, one district-court judge, and one appellate judge). Then use the following questions for discussion:  What do all of the judges have in common?  Did any of their judgeships fall into their laps?  How did each of these judges view education?  Use Discussion Rubric for assessment.  Key Points  I. Key Terms   1. Civil Law – the body of law that defines private rights and remedies to govern conflicts between private individuals or entities 2. Criminal Law – the body of law that defines crimes and punishments through rules, regulations, and statutes; what is prohibited by the government because it threatens public safety and welfare 3. Marbury v. Madison – an 1803 case that established the power of judicial review by the US Supreme Court; the power was later extended to the federal courts 4. Circuit Riders – Judges who rode from place to place in many different locations of states or federal territories to hold trials on a regular basis, once a month or once every few months   II. History of the federal court system   1. Article III of the US Constitution established a federal court system 2. Congress created Article III on Sept. 24, 1789 3. Congress passed the Judiciary Act of 1789, which established 13 courts, one for each of the original states 4. Since 1789 there have been numerous Judiciary Acts passed that continue to define the American Court System 5. The Supreme Court originally had 6 justices 6. Originally, there were only three circuit courts with judges being “circuit riders”   III. Structure of the federal court system   1. The structure of the federal court system begins with the magistrate courts and ends with the Supreme Court:   1. Supreme Court  2. Appellate Courts  3. Trial Courts  4. Magistrate Courts   1. Magistrate Courts   1. Created by the Federal Magistrate’s Act of 1968   1. Magistrates are appointed by a district court judge   a) Full-time magistrates are appointed to an 8-year term  b) Part-time magistrates are appointed to a 4-year term  C. Trial Courts   1. Are also known as US district courts 2. There are 94 US district courts covering the US and its territories 3. The judges are appointed by the US President   a) Serve a life term  b) Consent from Congress is required   1. Court of Appeals   1. Are also known as Appeals Court, Appellate Court, and Circuit Courts  2. There are 12 US Regional Circuit Courts of Appeal and one US Court of Appeals for the Federal Circuit and approximately 165 federal courts of appeals judges  3. The court does not conduct a jury trial but is made up of a panel of judges, usually three  4. The judges are appointed by the US President  a) Confirmed by the Senateb) Serve a lifetime appointment   1. US Supreme Court1. Is the highest court in the US2. Consists of nine justices3. A decision of the Supreme Court is final and cannot be overruled   4. The judges are nominated and appointed by the US President  a) Confirmed by Senate  b) Serve a lifetime appointment  IV. Function of the federal court system (Criminal Law)  A. Magistrate Courts  1. Assist the US district courts  2. May conduct trials in misdemeanors and petty offenses, along with performing in felony cases pretrial duties, such as preliminary hearings, pretrial motions, and conferences  B. US District Courts  1. Conduct trials in which there have been violations of federal criminal laws  2. Conduct arraignments, pleas, and felony trials  C. Court of Appeals  1. The appellate courts hear appeals from the US district courts  2. Defendants can appeal their cases based on a claim that they were denied a fair trial or the law they were convicted under was unconstitutional  3. The court must determine:  a) If the district judge made a judicial error  b) If the error could have substantially affected the court’s decision  c) If the answer is “no” to both questions, the appeal is dismissed  d) If the answer is “yes” to one of the above questions, the court will review the appeal and issue a ruling  D. US Supreme Court  1. As a general rule, agrees to decide on cases where there is a difference of opinion among the courts of appeals, or where there is an important constitutional question or issue of federal law that needs to be clarified  2. Decides which cases it will hear 3. Is the legal mediator for lawsuits between states,  and between the US and foreign countries  4. Is the final authority for legal opinions binding on the federal government  5. Must review cases when  a) A federal court has held an act of Congress to be unconstitutional  b) A US court of appeals has found a state statute to be unconstitutional  c) A state’s highest court of appeals has ruled a federal law to be unconstitutional  d) An individual’s challenge to a state statute on federal constitutional grounds is upheld by a state’s highest court of appeals  6. Once the court makes a ruling, the lower courts, including state courts, have to fall in line with that ruling  V. History of the state court system   1. The Texas Supreme Court was established in 1836 after the Texas Revolution 2. In 1845 the Supreme Court was restructured, and in 1850 the offices of the Supreme Court were filled by elections   C. In 1876, to relieve the case load of the Supreme Court, the Court of Appeals was created to deal with criminal cases; it was later renamed the Court of Criminal Appeals  D. In 1980 the previously established courts, the Courts of Civil Appeals, were renamed Courts of Appeals and were designed to relieve the Court of Criminal Appeals’ caseload  VI. Structure of the state court system   1. Began with the justice or municipal courts and ended with the Texas Supreme Court or the Court of Criminal Appeals:   1. Texas Supreme Court or Court of Criminal Appeals  2. Courts of appeals  3. District courts  4. County courts  5. Justice courts or municipal courts   1. Justice or municipal courts 2. 819 justice courts\*   a) 819 judges\*  2. 926 municipal courts\*  a) 1,559 judges\*  3. Justices of the Peace  a) Are elected  b) Do not have to be licensed attorneys  4. Municipal judges are hired by the city they serve   1. County courts   1. 509 courts\*  a) 254 constitutional county courts (1 per county)  b) 237 statutory county courts\*  c) 18 statutory probate courts  2. Judges are elected  3. Judges do not have to be licensed attorneys   1. District courts   1. 456 courts\*  2. 456 judges\*  3. 359 districts contain one county\*  4. 97 districts cover more than one county  5. Judges are elected  6. Judges must be licensed attorneys   1. Courts of Appeals   1. 14 courts by region  2. 80 justices  3. Justices are elected   1. Courts of Last Resort for Texas State Courts   1. Texas Supreme Court  a) 1 court in Austin  b) 9 justices  c) Are elected  2. Texas Court of Criminal Appeals  a) 1 court in Austin  b) 9 judges  c) Are elected  VII. Function of the state court system (Criminal Law)   1. Justice courts 2. Class C criminal misdemeanors punishable by fine only (no confinement) 3. May issue search or arrest warrants 4. These courts can also handle civil issues, such as issuing marriage licenses and settling small-claims suits 5. Municipal courts   1. Class C criminal misdemeanors punishable by fine only (no confinement)  2. May issue search or arrest warrants  3. Municipal ordinance offenses:  a) Punishable by a fine not to exceed:  (1) $2,000 for ordinances that govern fire safety, zoning, and public health; or  (2) $500 for all others   1. County courts   1. Constitutional county courts  a) Preside over Class A and Class B Misdemeanors  b) Fines greater than $500 or jail sentence  2. Statutory county courts  a) Preside over Class A and Class B Misdemeanors  b) Fines greater than $500 or jail sentence  3. Statutory probate courts  a) Primarily probate matters  D. District courts  1. All Felony criminal cases  E. Courts of Appeals  1. Intermediate appeals from trial courts within district  F. Texas Supreme Court and Texas Court of Criminal Appeals  1. Texas Supreme Court  a) Has final appellate jurisdiction in civil cases and juvenile cases  b) Responsible for licensing attorneys and attorney discipline  2. Texas Court of Criminal Appeals  a) Has final appellate jurisdiction in criminal cases  b) Hears appeals of death sentence cases  \*Totals are as of March 2013.  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  For reinforcement, the students will create a flowchart of the different courts, from the lowest to the highest. They will list the court, along with its jurisdiction, and show how the system moves from the municipal to highest state courts. Use the Individual Work Rubric for assessment. |
| **Guided Practice \*** | Have the students select one court outlined in this lesson and research the career of a judge or justice for that court. The students must include the judge or justice’s qualifications, means of taking office, and discipline. They must pick an actual judge/justice about which to present a biography, salary, and any other pertinent information. Along with writing a research paper, students should present the information to the class by creating a poster board or by using computer-based presentation software. Use the Research Rubric and Presentation Rubric for assessments. |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | The Criminal Justice System and the Courts Crossword Puzzle.  Have the students complete the Criminal Justice System and the Courts Crossword Puzzle. Use, The Criminal Justice System and the Courts Crossword Puzzle Key for assessment. |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \*** | Criminal Justice System and the Courts Exam and Key |
| **References/Resources/**  **Teacher Preparation** | Prentice Hall, *Criminal Courts: Structure*, Process, and Issues (2nd Edition), 2007, Dean John Champion, Richard D. Hartley, & Gary A. Rabe  United States Courts:  <http://www.uscourts.gov/about-federal-courts/educational-resources>  Texas Courts: <http://www.courts.state.tx.us/> |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | Social Studies Standards  V. Effective Communication  A. Clear and coherent oral and written communication  1. Use appropriate oral communication techniques depending on the context or nature of the interaction. |
| **Recommended Strategies** | |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy**  **Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies**  **Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication**  **90 Second Speech Topics** |  |
| **Other Essential Lesson Components** | |
| **Enrichment Activity**  (e.g., homework assignment) | For enrichment, students will interview a judge or justice from one of the courts listed in the lesson. Students will write a paper regarding their interview. Use the Individual Work Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)