

# MISSOURI COURTS<sup>1</sup>

## (Secondary Level)

### Objectives:

- To clarify the role of the judiciary in the three branches of government.
- To inform students of the organization of the courts.
- To describe the types of cases – civil and criminal.
- To explain the trial process and various roles of people in the courts.
- To contrast the function of the trial and appellate courts.
- To explain judicial selection.

### Materials needed:

- A copy of the video, *Missouri Courts*.
- Sufficient copies of the handout.
- *Optional*: Access to the Internet.

### Steps:

1. Ask the students to describe a court.
2. Explain that the video they are going to see will contain some information about the court system in Missouri.
3. Distribute the handouts. Read over the various items with the students and ask them to be thinking about them as they view the video.
4. View the video. (See footnote 1.)
5. Have the students work in groups on the handout and have them record their answers.
6. Have the students watch the video to evaluate their answers.

### Enrichment:

Have the students visit the Supreme Court of Missouri Web site (<http://www.courts.mo.gov/> is a quick pointer) and the Missouri Constitution, Article V (available online at [www.moga.mo.gov](http://www.moga.mo.gov/)), to find information for the bonus questions.

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<sup>1</sup> This lesson plan accompanies the video, **Missouri Courts**. The video is 10 minutes long. Tip: Each Supreme Court judge and the governor introduce a segment generally corresponding with the objectives. The video can be paused to discuss segments. The video appears online, courtesy of the Missouri Department of Elementary and Secondary Education, at [mms://wmvstream.dese.mo.gov/missouricourts](http://mms://wmvstream.dese.mo.gov/missouricourts) and a DVD can be provided on request.

**Answers to the handout:**

1. Missouri courts belong to the people of Missouri.
2. The judicial branch applies the law to settle disputes that people cannot settle themselves and to decide the guilt or innocence of a person charged with a crime.
3. Cases begin in the circuit court, also called the trial court.
4. Answers will vary. Civil cases include, for example, family law, adoption, divorce; suits for personal injury or property damage such as car accidents or medical malpractice; probate, including distributing deceased persons' property; and suits for money for services or goods, eviction, contracts, and juvenile matters. Criminal cases include, for instance, rape, murder, robbery, trespassing, or other violation of the law.
5. Civil cases decide disputes between individuals, businesses, or government agencies. In a civil case, one is suing another for money or, for example, to enforce one's rights against another, as in a contract dispute. Criminal cases decide the guilt or innocence of a person accused of violating the law. In a criminal case, the prosecutor, or, in St. Louis, the circuit attorney, brings the action. Someone found guilty in a criminal case can go to jail, prison or be fined.
6. Answers may vary. See Nos. 4 & 5.
7.
  - a. The lawyers represent a party/litigant to help prove his or her side in a case.
  - b. Witnesses testify about what they heard or saw of a case.
  - c. The court reporter records everything that is said.
  - d. The judge ensures the trial is fair, by following the law and instructing the jury on what the law is.
  - e. The jury decides the case. (See also bonus answers.)
8. If a party is not satisfied with the circuit court's decision and believes a mistake was made, the party may appeal, bringing the case before an appellate court.
9. The appellate court does not re-try the case; instead, it reviews the case files, transcripts, and law to see if the circuit court made mistakes, for example, in explaining and following the law. The appellate court may agree with the circuit court's decision and affirm. It may agree in part and disagree in part. If it finds the circuit court erred to a sufficient extent, it may reverse the decision. It can send the case back to the circuit court for new trial.

10. Cases where the punishment is death. (See also bonus answers.)
11. Supreme Court judges, Court of Appeals judges, and urban area circuit court judges are selected under Missouri's nonpartisan court plan, also called the Missouri Court Plan. Persons apply to fill the judicial vacancy, and a commission selects three finalists. The governor appoints one of the three finalists. After at least one year in office, voters vote whether to retain the judge. Circuit court judges in less urban areas are selected by the voters in elections. (See also bonus answers.)

**Bonus question answers:**

- 7e. Answers to No. 7 are in the video. Students may view the video again online, courtesy of the Missouri Department of Elementary and Secondary Education, at [mms://wmvstream.dese.mo.gov/missouricourts](https://wmvstream.dese.mo.gov/missouricourts).
- A juror must be at least 21 years old.
  - The judge decides the case if there is no jury.
10. Answers to No. 10 appear in the Missouri Constitution, Article V, which is available on the General Assembly's website, [www.moga.mo.gov](http://www.moga.mo.gov), or in the Supreme Court brochure.
- The Supreme Court of Missouri has exclusive jurisdiction in cases involving the validity of an U.S. statute or treaty, the validity of a Missouri statute or constitutional provision, the state's revenue laws, and challenges to the title of any state office, in addition to death penalty cases.
  - A case may be transferred from the Court of Appeals to the Supreme Court if it involves a question of general (usually statewide) interest or importance, including a decision that conflicts with an earlier appellate decision.
11. Answers to No. 11 appear on Your Missouri Court's Web page at <http://www.courts.mo.gov/> by selecting "Know Your Courts" and then "Supreme Court."
- The seven judges of the Supreme Court are: Richard B. Teitelman, Mary R. Russell, Patricia Breckenridge, Zel M. Fischer, Laura Denvir Stith and George W. Draper III. There is one vacancy currently on the Court. See the Supreme Court website for more information about the judges.
  - Until July 1, 2013, the chief justice is the Honorable Richard B. Teitelman.