“Why A Lawyer?”
This book was compiled and written by Rebecca Anyiam, Billi Jo Clevenger, Malikah Marrus, Melissa Powers, and Emily Shelton.

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We would like to give credit to I'm Going to Federal Court! By Ellen Alexander and illustrated by John Sur for the courtroom diagram, Andrew Meissen for his flow chart on the juvenile court process, and Rashida Edmondson-Penny at the National Juvenile Defender Center for the glossary of Legal Terms.
Dear Parents,
This week in school your child was part of a discussion on Why a Lawyer? presented by the Center for Children, Law & Policy at the University of Houston Law Center. This presentation involved interactive discussion on how youth gained the right to an attorney and when a child might need an attorney. We encourage you to look at this book with your children and to talk about what they have learned during this presentation. As children learn more about their right and responsibilities they are more likely to obey the laws and rules of society. If you have any questions or would like to know more, please feel to contact us 713-743-1967 or at center4clp@uh.edu.

The staff at the Center for Children, Law & Policy
CASE # 1:  
State v. John J. Junior  

John J. Junior had never been in trouble before. At age 15, he lived with his parents and attended the local high school. One day after school, John’s parents were not at home, so he invited his friend Roger Ruse to hang out at his house. After a few minutes of boredom, John and Roger began playing with the phone. Roger took the phone and suggested that they call John’s Neighbor. John Junior held the phone and dialed the number. Roger said something childish, rude, and obscene. John Junior held the phone and laughed at Roger’s statement. Roger left soon after they made the phone call. The Neighbor was not amused and called the Police. The Police tracked the telephone number back to John and he was arrested, handcuffed and marched to the police station. The police did not call his parents, or tell any family member. John was not told the charges on which he was arrested. That first night John slept on the hard mattress in the local juvenile hall. The next day, John appeared before a juvenile Judge. He did not speak to a Lawyer. John’s mother arrived, but did not participate in the hearing. She was handed a piece of paper listing “unlawful communication of obscene messages” as the charge against John. The Neighbor did not show up at the hearing. The Judge did not review the childish, rude, and obscene statement. The Judge questioned John about the statement. John admitted it was his phone, and that he was present while Roger spoke. After John answered the Judge’s questions, the Judge found John guilty. There was no recording of what happened in the courtroom.

John was sentenced to spend one year in the State Juvenile Detention Facility. John was told he could not appeal.
TAKE A QUIZ ON JOHN J. JUNIOR’S BAD DAY

1. In John’s case, the charge of “unlawful communication of obscene messages” was never explained to him. What right does John have to be informed of the charges against him?

(a) John doesn’t have a right to know what he was charged with because John was there and knows if did something wrong.
(b) John doesn’t have a right to know what he was charged because his mother and the Judge were informed of the charges.
(c) John has the right to be told of the charges in advance of the court hearing, so he has a reasonable opportunity to prepare to defend himself against the charges.

2. In John’s case, he did not have a Lawyer. What right does he have to talk to a Lawyer?

(a) John doesn’t get an Attorney because he has a Parent present in court and the Judge is there to protect his rights.
(b) John can get a Lawyer, but only if his Parents pay for one and bring the Lawyer to court.
(c) John has the right to a Lawyer to assist him about the law, inquire into the facts, and help him in his decisions. If his family cannot afford a lawyer, the court will give John a lawyer.

3. In John’s case, he answered the questions the Judge asked him. Does he have a right to remain silent?

(a) John is required to talk to the Judge because the Judge is trying to find out the truth, and John should tell the truth.
(b) John is required to talk to the Judge because confession is good for children who have done something wrong.
(c) John has the right to remain silent; he doesn’t have to say anything that would incriminate himself.

4. In John’s case, the Neighbor did not come to court, and there were no other witnesses called against him. What right does John have to challenge the case against him?

(a) John doesn’t have the right to challenge the Neighbor’s version of events because the Judge didn’t think it is necessary.
(b) John doesn’t have the right to confront the Neighbor because the message was clear and it came from John’s family’s phone.
(c) John has the right to question the Neighbor to challenge the evidence against him.

Answers can be found on page 14
THE CASE OF GERALD GAULT

Gerald Gault was fifteen years old when he found himself in the midst of what became one of the most important legal cases of the 20th Century. Gerald and a friend were arrested after a female neighbor complained to the police about an obscene phone call. Gerald and his friend were suspected of the call. Police took Gerald into custody without telling his parents or informing any family member. He spent the night in the juvenile detention hall. The next day, Gerald appeared before a juvenile judge. He was not represented by a lawyer. At the hearing, no witnesses appeared to testify against Gerald. The state did not provide any notice of the facts about why Gerald was arrested. No record was kept of the testimony. The judge asked Gerald some questions about the phone call. Gerald was never informed of his right to counsel, his right against self-incrimination, or any other rights. Based on Gerald’s answers, the judge ordered a second hearing a week later. Gerald was sent to juvenile hall. At the second hearing, again the female neighbor did not appear. Despite conflicting evidence about Gerald’s role in the phone call, he was found guilty (“delinquent”) and sent to the state juvenile reformatory for six years, until he turned twenty-one. Gerald challenged the constitutionality of these proceedings before the United States Supreme Court. The Supreme Court agreed that what happened to Gerald was fundamentally unfair.” The Court held that certain protections needed to be in place in juvenile delinquency hearings. The Court ruled that at a minimum, juveniles are entitled to assistance of counsel, notice of the charges against them, the right to confront witnesses against them, and the protection against self-incrimination.
FIFTH AMENDMENT REVIEW

What are the protections in the Fifth Amendment?

• We are entitled to remain silent and not incriminate ourselves. This means the accused does not have to answer the government’s questions in a criminal case.

DUE PROCESS REVIEW

What are the due process protections for juveniles?

• We are entitled to the assistance of counsel. This means we are provided a free lawyer to help defend our case if we cannot afford one.

• We are entitled to confront the witnesses against us. This means the government is required to present the witnesses who have accused us of a crime and allow us to ask them questions.

• We are entitled to call witnesses for our defense at trial.

• We are entitled to notice of the nature and cause of charge. This means we must be told about what we are being accused of before trial.
Miranda warnings are what the police say on television and in movies. However, these are also very important rights for everyone.

In Texas, juveniles often are not read Miranda warnings by the police. Instead, a magistrate, a special type of judge, must give these warnings to juveniles. These warnings must be given outside the presence of the arresting or interrogating police officers. An interrogating officer is any officer who asks you questions about your case. When you are taken before the magistrate, you should immediately tell him or her that you want a lawyer.
The judge makes the final decisions in juvenile court.

1) Advisory Hearing
   - Released
   - Detained

2) Adjudication Hearing (Trial) or (Plea)
   - Trial
   - Plea / Admit Guilt

   The judge listens to witness testimony and sees the evidence.

   The judge decides . . .

   - Not Delinquent / Not Guilty / Dismissal
   - Delinquent / Guilty

Probation
- Summary
- Standard
- Detention
- Treatment
- Drug Testing
- Community Service

3) Disposition Hearing (Sentencing)
   - Fine/Restitution
   - Commit to TYC

Detention
Summary
Standard
Detention
Treatment
Drug Testing
Community Service

Not Delinquent / Not Guilty / Dismissal
Delinquent / Guilty
Matching

Match each person with what they do:

1. Judge
2. Bailiff
3. Witness
4. Court Reporter
5. Court Clerk
6. Prosecuting Attorneys
7. Defense Attorneys
8. Jurors

a. Tells the court what they saw happen on the date in question. ____

b. Listens to the case and decides whether or not the defendant did what they are accused of. _____ and _____

c. Types an account of what is going on in the court during the trial. _____

d. Keeps order in the court room by making sure that everyone behaves. _____

e. Presents the government’s case against the accused to the jury or judge. _____

f. Acts as the referee between the two sides during the trial. _____

g. Keeps the cases and witnesses in order. _____

h. Fights for the rights and to prove the innocence of the person being accused. _____
Word Jumble:

Arrange the letters in proper order according to the clue

1. Rules that everyone must follow.
   i. AWL

2. When a law has been broken.
   i. MIREC

3. Wooden hammer the Judge bangs to call the courtroom into order.
   i. VLEAG

4. Meeting where it is decided whether or not the defendant broke the law.
   i. TLAIR

5. What a witness says in court about the defendant's actions.
   i. YMITONEST

6. What a witness tells the police or what they write down about what they know about the Defendant's actions.
   i. TETMNTSAE

7. After a witness has answered the Prosecutor's questions, the Defense Attorney gets to ask the Witness questions too.
   i. XMEIRSNAECOS

8. The punishment the Defendant gets if he or she broke the law.
   i. TCENSNEE

9. When the defendant tells the judge whether or not he broke the law.
   i. EPAL
Blank on Purpose
Puzzle Your Mind

(Answer ID # 1028477)

Complete the puzzle.

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  1  2  3   
 4  5   
 6 
 7  8  9   
10 
11 12 
13 14 
15 
16 17 
18 
19 
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1 2 3

4 5

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7 8 9

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11

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13 14

15

16 17

18

19
1. Document that contains specifics about charges against you.
2. The form and process of coming before the court.
3. Being held at the state's will, often in a jail or detention hall.
4. A lawyer, attorney, juvenile defender, or public defender.
5. A lawyer doing everything to defend you, protect your rights, and make sure your voice is heard in court. (2 words)
6. Guarantees fairness and justice in your interactions with the court. (2 words)
7. Person who is being told that they broke a law.
8. Your response to the charges against you.
9. Moment when you are taken into custody.
10. Ability to understand your rights and how to exercise them.
11. Lawyer that puts the evidence against you.
12. Process of asking a higher court to change the result of your case.
13. You have the right to a _______ and public trial.
14. The government must let you question the _______ who say you did something wrong.
15. Housing in a juvenile facility without the freedom to leave on your own.
16. You have a right to have help from one, even if you don't have money.
17. The decision to give up a right.
18. The part of a court case when evidence is given to the judge.
19. A freedom that is given to you by law.
Answer Key

Quiz

In each of the questions, the third answer (c) is the correct constitutional answer. Before 1967, and the Supreme Court's decision In Re Gault, the other answers (a) & (b) were used to deny young people in the juvenile justice system constitutional protections. The other answers were, in fact, used to try to persuade the Supreme Court that youth did not deserve constitutional rights. In Re Gault, the Supreme Court held that the Fifth, Sixth, and Fourteenth Amendment applied to juveniles accused of crimes in the juvenile justice system.

Matching

a. 3
b. 8 and 1
c. 4
d. 2
e. 6
f. 1
g. 5
h. 7

Word Jumble

1. Law
2. Crime
3. Gavel
4. Trial
5. Testimony
6. Statement
7. Cross-Examine
8. Sentence and Disposition
9. Plea
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Exit Ticket

1. What part of today’s presentation did you enjoy the most?

2. What more would you like to know about your rights and the law?

3. Describe one thing that you learned today. You can write a poem, draw a picture, make a chart, or write a paragraph. Use the space below and the back of this sheet.