



# LAW-RELATED EDUCATION

*The newsletter of the Illinois State Bar Association's Committee on Law-Related Education*

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## Chair's comments

*By Judge Mike Chmiel*

Once again, this publication comes to you through the volunteers of the *Standing Committee on Law Related Education for the Public* of the Illinois State Bar Association.

First, let me thank Ed Schoenbaum, who as a retired administrative law judge, has stepped up to help get our newsletters to you in a timely fashion (starting with the last edition). For those who know Ed, he is a tireless volunteer who wears pink on Fridays in Springfield, and gets involved in the legal community at the local, state, and national levels. We are blessed to have him helping us!

Second, as we approach the 33rd Annual High School Mock Trial Invitational of the ISBA, let me extend thanks to Sarah Taylor who practices law in Carbondale, and Aleksandra Ostojic who is finishing her studies at the University of Illinois College of Law, for coordinating this year's Invitational. Sarah chairs our Mock Trial Subcommittee, which also includes Rocky Martinez (our Vice Chair), Stan Wasser, Stephen Iden, Kateah Mc-Masters, and Desiree Martin. Each of these individuals has spent many volunteer hours to write

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## Civics in action: The Jacksonville Turner Walking Tour

*By Stephen Douglas Iden*

For the last 19 years, every September the 7<sup>th</sup> graders of the Turner School in Jacksonville, Illinois, go on the annual Historic Walking Tour. The students go to several locations across Jacksonville as part of a living history experience.

The tour includes visiting several historic locations on the Illinois College campus. One focus for both Illinois College and other places in Jacksonville is on following the Underground Railroad throughout the city. Students get to witness two period artisans in action, a cooper and a

quilter. Students further get to visit several architecturally important buildings in the area, as well as several historical businesses including the first Ferris Wheel factory.

One of the stops on the tour is the Morgan County Courthouse. The seventh graders get to learn about the history of the Courthouse from local attorneys who practice in that courthouse. While standing in the main courtroom, the stu-

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## ATTENTION

**Judges, lawyers, teachers and students**

Please send your ideas, questions or articles for publication in this newsletter. Send them to [JudgeEdS@gmail.com](mailto:JudgeEdS@gmail.com)

## Chair's comments

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and orchestrate the Invitational, as a service to the State-wide community. We are expecting at least 42 teams to compete at the University of Illinois College of Law on March 14 and 15, for a chance to represent Illinois at the National Mock Trials in Raleigh, North Carolina, in May. We are also expecting more than 55 judges and lawyers to participate as judges and evaluators.

Third, thanks go to the leadership of the ISBA in supporting civics education through the State. As we approach Law Day 2015, we

implore teachers at all levels to tap the resources offered at the *Public* tab of [isba.org](http://isba.org), where lesson plans can be found. Even better, access to more than 150 lawyers is provided; these volunteer lawyers stand ready, willing, and able to visit classrooms and talk on a dozen different subjects through the ISBA's *Lawyers in Classrooms* program. As well, other volunteer lawyers and judges throughout the State are similarly situated with the *Bringing the Courtroom to the Classroom* program of the ISBA and Illinois Judges Association;

BCC brings a judge and lawyer team with a PowerPoint presentation to classrooms to interact with students about our court system.

Lastly, of course, thanks go to teachers throughout the State. At the ISBA, we value your role, and look to support you in every way we can. We believe civics education is vital to a well-informed public, who elect leaders and otherwise participate in our legal system. To such end, if we can ever be of assistance, or if you have ideas on how we can collaborate, please let us know. ■

## Civics in action: The Jacksonville Turner Walking Tour

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dents are presented a slide show showing historical pictures of the courthouse through the ages. They are told historical and interesting facts related to those slides.

What they learn in part is that the first courthouse for Morgan County was built in 1826 and the current courthouse was built in 1868. They learn that several important politicians such as William Jennings Bryan, as well as several Illinois Governors, practiced in that courthouse. Further Stephen A. Douglas was State's Attorney for Morgan County for many years.

The students watch as the building progresses, adding electricity, having improvements made to the exterior, and eventually changing the entire layout of the primary courtroom. With these changes, the students get to learn also about the politics, haggling and finagling that is required to get such changes approved and implemented.

Part of the experience is that the students are given quotes from period newspapers and from visitors to the Courthouse to get a flavor of life at the time. One of the more interesting articles is about the first resident lawyer in Morgan County. He was murdered by being struck in the head and the only suspect was acquitted such that the murder remains unsolved to this day.

After the historical section is completed, the attorney presenter then moves on to the modern civics lesson. He or she points out all

of the important elements of the courtroom, such as the bench, jury box and the witness stand. The attorney then explains what each participant's role in a trial is and how those participants interact with each other.

Certain other facts about trial procedure, such as the difference between a petit jury and a full jury, are explained to the students. The students are also shown the jury room, and told about the deliberations that hap-

been in existence for 19 years now. Some practicing attorneys in Jacksonville still remember when they were students on the tour. As the tour continues in the future, more students will be inspired to learn more about civics and some will be inspired to become attorneys in their own right. ■

The author is past president of the Morgan County Bar Association.

## 2015 ISBA High School Mock Trial Invitational

*By Sarah Taylor*

The 2015 ISBA High School Mock Trial Invitational will be held on March 14 and 15, 2015, at the University of Illinois' College of Law in Champaign. Forty-two schools from across Illinois are registered to participate in the event. This will be the second year the event will be hosted by the College of Law.

Students from high schools around the State of Illinois will compete in jury trials, undertaking roles as prosecutors, defense counsel, and witnesses. The top eight teams will compete in the final round on March 15, for the state championship. The

winning team will represent the State of Illinois at the National High School Mock Trial Championship in Raleigh, North Carolina.

This year's case is *People of the State of Illinois vs. Casey Jones*, a criminal case in which the defendant is charged with home invasion and aggravated battery in connection with a break-in at the home of the defendant's former paramour.

Information about volunteering and about the 2015 Mock Trial Invitational can be found at: <http://www.isba.org/teachers/mocktrial>. ■

# So you're going to court—Understanding the difference between civil and criminal cases

By Kateah McMasters

Navigating the Court system can often be overwhelming and difficult to understand for someone who has never set foot inside the courthouse. Yet, almost every citizen will set foot inside a courtroom at some point in their life, whether it is to perform their civic duty after being summoned for jury duty or as a party to a case. If you do find yourself in a courtroom, it is helpful to understand the basic concept of whether a particular is a criminal case or a civil case. This article briefly summarizes the key differences between a criminal case and a civil case in Illinois.

## 1. The Nature of the Case

A criminal case is one where a person is accused of violating a criminal law. Criminal cases involve a punishment in the form of a fine and/or time in jail. A civil case involves a legal dispute between two people. Jail time is not available in a civil case. The "punishment" or remedy in a civil case can take many different forms. For example, the court can order a person to reimburse another person for damaged property or require a party to perform a specific task that he or she is legally obligated to complete.

## 2. The Parties

There are at least two parties involved in every case.

In a criminal case, the State of Illinois is always a party to the case and referred to as the plaintiff or the prosecution. The other party is an individual person accused of committing a crime and is referred to as the defendant or defense.

The parties in a civil case are individuals and/or businesses. The person who files the initial paperwork with the Court asking it to resolve a dispute is called the plaintiff or petitioner. The other party or the person accused of doing something wrong is called the defendant or respondent.

## 3. Burden of Proof

In a civil case the plaintiff must prove it is true that the defendant committed a wrongful act by "a preponderance of the evidence,"

meaning that it is more probably true than not. In a criminal case the prosecution has the burden of proving the defendant is guilty of committing a crime "beyond a reasonable doubt." The Defendant is not required to prove his innocence. There is no precise definition of "beyond a reasonable doubt", but it is a higher burden than "preponderance of the evidence" in civil cases.

## 4. Right to a Public Defender

The right to a Public Defender is guaranteed by both the Illinois Constitution and the United States Constitution in criminal cases. The Illinois Courts have also held that this Amendment only applies to criminal cases where the person accused of committing a crime faces the possibility of going to jail. There is no right to a public defender in civil cases.

## 5. Discovery

Discovery is a procedural device that requires a party to disclose information to the other party. In a criminal case, discovery is fairly restricted due to the defendant's right against self-incrimination and the right to confront witnesses. Generally the prosecution is required to turn over all the evidence in its possession that would exonerate or clear the defendant. The defendant is not required to turn over any evidence to the prosecution that would help prove his guilt. In contrast, discovery in civil cases is very broad. Both parties are required to turn over any evidence that is relevant and unprivileged (i.e., attorney-client privilege).

## 6. The Jury

A defendant in either a criminal or civil case typically has the Constitutional right to demand a trial by jury. Civil cases also require the payment of a fee for a jury trial demand. Traditionally both criminal and civil cases are decided by a jury consisting of 12 people. Today criminal cases are still decided by a 12-person jury. However, beginning June 6, 2015, civil cases will be decided by a six-person jury. ■

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Published at least four times per year.

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## Levee campaign raises deluge of questions

### Residents of the Bottoms to Participate in New SIU media project

By Peter Lemish

"Civic Soul," a new project of SIU Carbondale's Imagining Geographies, launched on Friday, February 27 with a community event at Shawnee High School in Wolf Lake, Illinois.

The event will begin with a premiere screening of 'Save the Levees, Save the Future,' a video made by Shawnee High School and SIU students. As explained by Shawnee social science teacher, Jamie Nash-Mayberry, this most recent effort in her students' award-winning four-year campaign explains to elected and government officials, at county, state, and national levels, why funds are needed to repair levees that stretch from Grand Tower to near Cairo Illinois.

The premiere will be the first of three segments of a recorded public meeting convened by a new multi-media effort of SIU's Imagining Geographies project entitled 'Civic Soul'. In the second segment of the meeting, Silvia Secchi, who researches and teaches SIU students about environmental policies, will facilitate a discussion of issues raised in the video, as well as other concerns and dilemmas facing residents of floodplains in the 'Bottoms' region and beyond. Discussants, who will also propose additional citizen actions to become engaged in policymaking, invited by Civic Soul, include SIU floodplain researcher Nicholas Pinter, former SIU Provost John Jackson of the Paul Simon Public Policy Institute who studies public policymaking, and Jamie Nash-Mayberry.

In the third segment, audience members will have an opportunity to ask questions and exchange ideas among themselves and with discussants.

Civic Soul will record and post a video of Friday's meeting on the Imagining Geographies Web site – [www.imagining.siu.edu](http://www.imagining.siu.edu) - along with informative resources about the issues and policies discussed.

Producer of Civic Soul and facilitator of Imagining Geographies, Peter Lemish, of SIU's School of Journalism, explained that the aim of Civic Soul's four pilot meetings to be held this spring is try a new way for the media to advance citizen involvement in policymaking. Lemish claimed that "it is rare that we have a chance to broadcast and view

citizens in discussion about issues of direct concern to them in a public forum." To advance this mission, Lemish is thankful to the WSIU staff for their efforts in recording Friday's meeting, and hopes that the programs will be deemed worthy of broadcast as "the four-program series is a unique attempt to

strengthen citizen involvement in civic dialogue and policymaking."

Residents of the region are welcome to participate in this civic dialogue as the actions taken, or not taken, "have the potential to affect all of us," as is explained so clearly in the Shawnee students' video. ■

## CONGRATULATIONS!

**Pablo A. Eves, our past chair and editor of this newsletter, has been elected by the Circuit Court Judges to be an Associate Judge in McLean County.**

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