

Courtroom to the Community

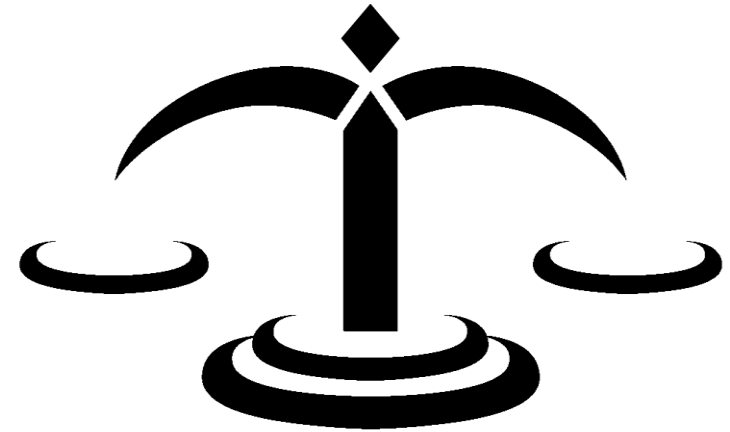
A Presentation of the Illinois State Bar Association

Presented by: (fill in presenter info)

Example:

Hon. Robert A. Wilbrandt

**Circuit Judge, 22nd Judicial Circuit,
McHenry County, IL**



ILLINOIS STATE

BAR ASSOCIATION

CONSTITUTION



The U.S. Capitol

LEGISLATIVE

CONGRESS



HOUSE OF REPRESENTATIVES



SENATE



The White House

EXECUTIVE



PRESIDENT



VICE PRESIDENT



The Supreme Court

JUDICIAL



SUPREME COURT

THE THREE BRANCHES OF GOVERNMENT

Judicial Branch

FEDERAL COURTS



United States Supreme Court

Highest court in the federal judiciary

1 Chief Justice, 8 Associate Justices

Limited original jurisdiction over some cases

U.S. Courts of Appeals

12 Regional Circuit Courts of Appeals

1 U.S. Court of Appeals for the Federal Circuit

No original jurisdiction; Hears appeals

U.S. District Courts

94 Judicial Districts

U.S. Bankruptcy Courts

Original jurisdiction over most cases

U.S. Court of International Trade

U.S. Court of Federal Claims

ILLINOIS STATE COURTS



Supreme Court of Illinois

Highest court in state

7 justices

Hears appeals from lower courts

Original jurisdiction in some cases



Illinois Court of Appeals

Intermediate appellate court

Divided into five districts

Hears appeals

No original jurisdiction



Illinois Circuit Courts

Courts of original jurisdiction

Divided into 23 Judicial Circuits and the

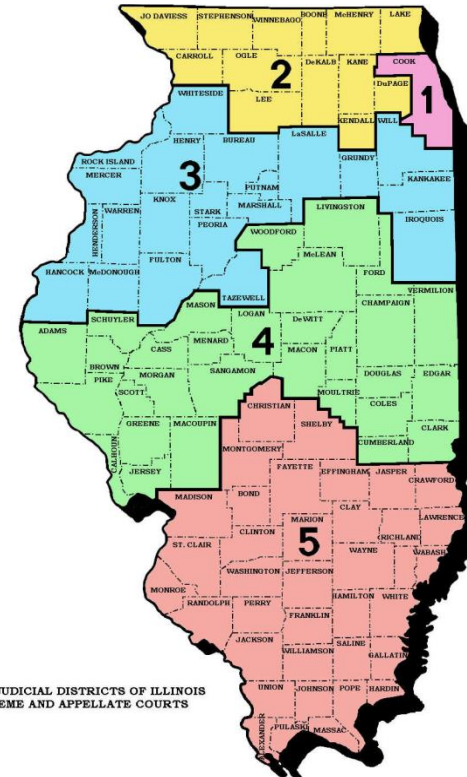
Circuit Court of Cook County*

ILLINOIS CIRCUIT AND APPELLATE COURTS

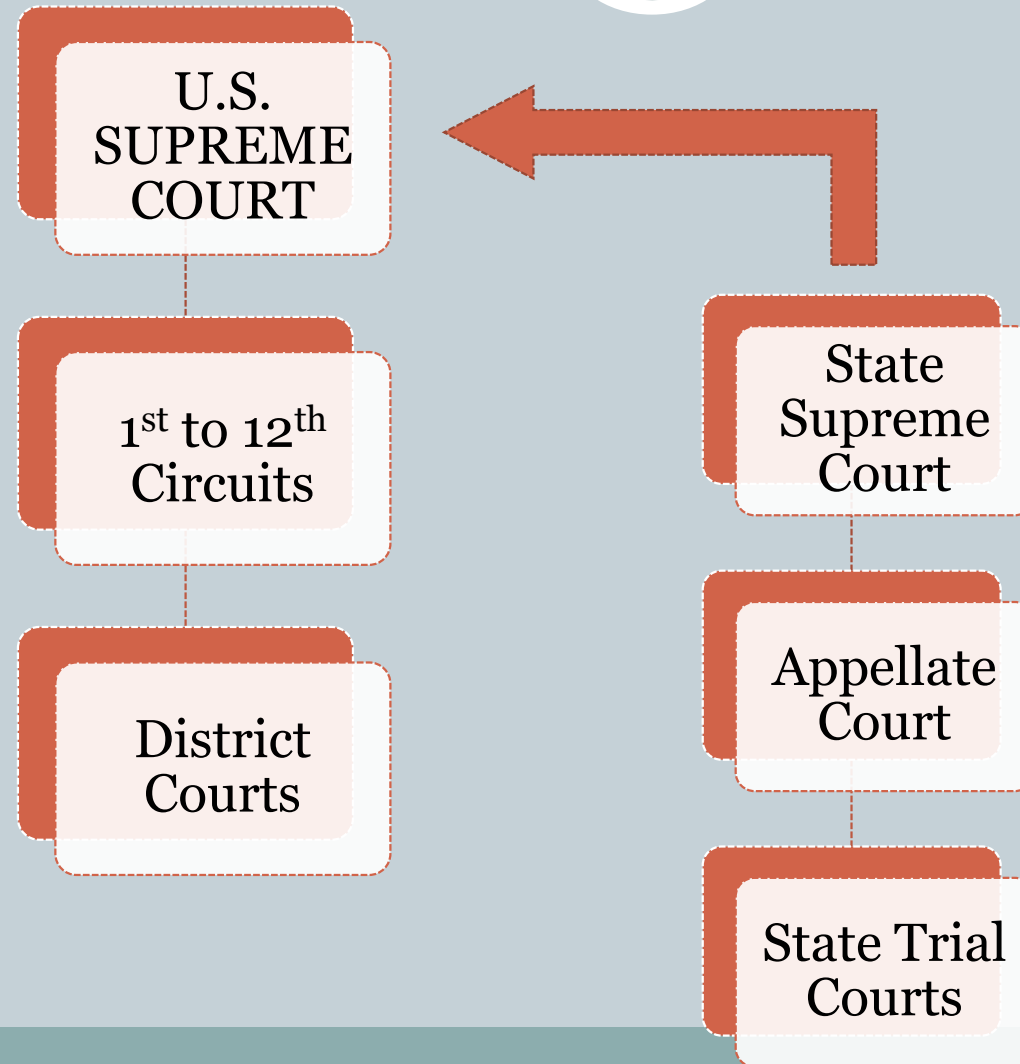
- Circuit Courts: 23 Circuits and Circuit Ct of Cook Co



- Supreme (State)
And 5 Appellate Districts



Crossover Between Federal and State Systems



*When the U.S. Supreme Court hears a case from a State Court, generally speaking, it can only come from that State's Supreme Court

Criminal Law: The Prosecution



Duties of the Prosecution/State's Attorney



According to the American Bar Association Standards for Criminal Justice, "[t]he duty of the prosecutor is to *seek justice*, not merely to convict." In criminal cases, possible penalties may include fines and *loss of liberty through incarceration*. Prosecutors are responsible for filing charges and trying criminal cases against people who may have violated the law within the jurisdiction they represent.

The Prosecutor must persuade the fact finder (judge or jury) of the defendant's guilt "*beyond a reasonable doubt*": At trial, the Prosecutor for the State (State's Attorney) or government agency (Local Prosecutor) will:

- 1) present an opening statement
- 2) display all significant evidence that convincingly indicates the accused is guilty of the crime
- 3) obtain testimony from its witnesses
- 4) cross-examine the witnesses provided by the defense attorney
- 5) present a closing statement to persuade the judge or jury by summarizing the case and emphasizing the primary pieces of evidence

Criminal Law: The Defense



Duties of the Defense/Public Defender



If liberty is at stake, every criminal defendant has a Constitutional right to have legal counsel, whether or not he can afford to pay. Because a defendant under our law is “*presumed to be innocent until proven guilty*”, and because an innocent person should not be denied legal counsel, *criminal* defendants who face jail or imprisonment are entitled to a *public defender* if a court determines they are unable to pay for counsel.

At trial, the defense attorney or public defender will:

- 1) Cross exam the state’s witnesses to try to reduce the impact of their testimony.
- 2) Present Defense witnesses, if any, and present Defendant’s version of events.
- 3) Attempt to persuade the fact finder in closing argument that Defendant has not been proven guilty “*beyond a reasonable doubt*”

CIVIL CASES



- 1) “Civil” Cases deal with judicial determination of *non-criminal* rights and responsibilities (usually, **incarceration is not a punishment option**)
- 2) Examples of civil cases include disputes involving contracts or **business** relationships (“business law”), **accidents** involving potential violations of a duty of care (“torts”), or the determination of individual or statutory rights and responsibilities among **families** (“family/divorce law”) or among a deceased person’s **heirs** (“probate”).

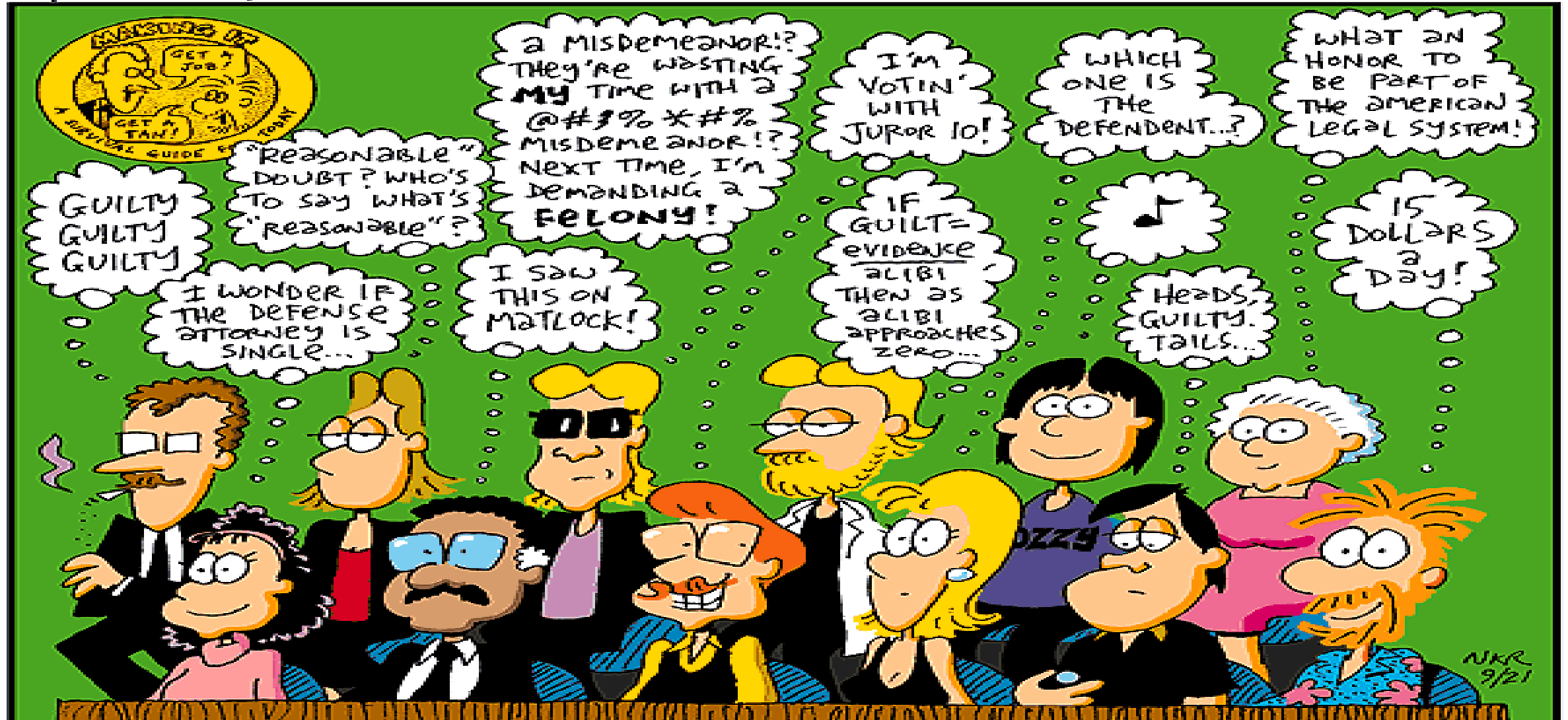
CIVIL vs. CRIMINAL CASES



- In civil cases, a person or entity starts a case by **filing a “complaint”** with the court clerk. The person who starts the case this way is the “plaintiff” or “petitioner”. A person may be “served” or given a complaint by a Sheriff or process server, and then they become the “Defendant” or “Respondent”. To contest, a Defendant **must “appear”** either in person or in writing (like when a policeman writes a ticket and “serves” it on the driver).
- Unlike criminal cases, the standard of proof required to win a civil case is only **“by a preponderance”** (more than half) of the evidence, and *not* “beyond a reasonable doubt”.
- In civil and in many traffic cases, *there is no Constitutional right to a public defender* for the Defendant.

JURY DUTY

September 21, 2003



Why Jury Duty?



After the “Boston Tea Party”, the King of England decided to punish the colonies. An English law was passed that decreed certain colonial court cases would be sent outside of the colonies to be ruled upon by other courts rather than by local juries. The colonists called this an “Intolerable Act”, and a violation of their rights to decide their own cases. In writing the Constitution for the new United States, and amending it with a specified Bill of Rights, George Washington and the Founding Fathers believed that *ordinary citizens* of their new “democracy”, *not a King or even a government representative*, should decide the facts of important cases.

In their new Constitution for the United States, they created both:

- 1) a *right* for all people to ask for a “jury” to *determine the facts in both civil and criminal cases*, and
- 2) a *duty* for all citizens to serve on a “jury” for others.

SO WHAT DOES A JUROR DO?

- 1) Often it's a *“waiting game”*. Many litigants would rather try to settle their cases at the last minute rather than have a jury decide for them! Just by being available, potential jurors help resolve difficult cases!
- 2) If potential jurors are randomly selected to serve on a jury, they will first be brought into the court room and *asked some questions* by the judge and the lawyers. The lawyers may ask that a certain number of potential jurors be “excused”. Litigants may often try to choose the jurors who they think might vote for “their” side.
- 3) Jurors who are selected *decide the facts* of the case based on the vetted evidence presented to them. *They cannot go online to obtain information*, or tell anyone else about the case or their discussions, and *they cannot bring any outside information to court.*



In Illinois, Jurors may determine the facts of criminal or civil cases.

A Civil Case: Gurba v. Community High School Dist. 155

Concerned Citizens and Conflicted Governments Go to Court



Gurba: Facts

In 2013, the Crystal Lake High School Board decided to replace the school bleachers. They agreed on a design that switched the new home bleachers so that they would be adjacent to the residential property that was next to the school. The new bleachers would be larger, higher and closer to the property line than the old ones. The school got permission from the McHenry County School Superintendent, but not from the City of Crystal Lake, where the school was located.

Mr. Gurba and the other homeowners next to the bleachers were upset. They felt that the tall bleachers would block their sunlight and lower their property values. They notified the City, and then filed their own suit, claiming that the school needed City permission to build the new bleachers.



Issue—Who Has Priority?

School District/State Regional Superintendent vs.
Concerned Citizens/City



What are the concerns and goals of each interested group?
What would each have to do to advance those goals?



GOING TO COURT: A QUESTION OF LAW

IS A SCHOOL DISTRICT SUBJECT TO CITY ZONING AND LAND USE REGULATIONS WHEN THE DISTRICT WANTS TO CONSTRUCT NEW FACILITIES ON SCHOOL PROPERTY?



- The **Homeowners** organized to hire their own attorney. They filed suit against the **School District**
- The School District was represented by its attorney
- The **State Regional Superintendent of Schools** sent its attorney
- The **City of Crystal Lake** became a necessary third party and retained an attorney to argue its side.

The School District and the State Regional Superintendent argued that the School had gained permission from the Superintendent, and didn't **need** the City's permission. The City and the Homeowner's argued that the School **did** need permission, did not get it before the bleachers were built, and so the bleachers should be **torn down!**

GURBA v. HIGH SCHOOL DIST 155

Goes Through the Judicial System

- **Trial Court:** 22nd Judicial Circuit Court, Woodstock
Memos by Attorneys, Trial Court Ruling
- **Appeal By Right:** 2nd Appellate District, Elgin
Briefs, Oral Argument, Written Appellate Court Opinion
Grant or Denial of Certioari
- **Supreme Court of Illinois,** Springfield
Briefs, Oral Argument, Written Supreme
Court Opinions



GURBA: RESULTS AND LESSONS LEARNED

- **The Supreme Court** ruled that the School *must* get City zoning permission before it builds new bleachers. The rebuilt bleachers were torn down and replaced, after an agreement with homeowners and the City.
- **Homeowners** learned that they may join together to have **access to the judicial system** in order to try to resolve their grievances!
- **Local units of government** learned that it is often better to notify each other and **work cooperatively** to try to settle potential problems.
- **The State Legislature** then changed the law to reflect the Court decision.



So What Do *You* Do?-- Judge



Judge Constance Harm



Judge Judy

Judge Mathis

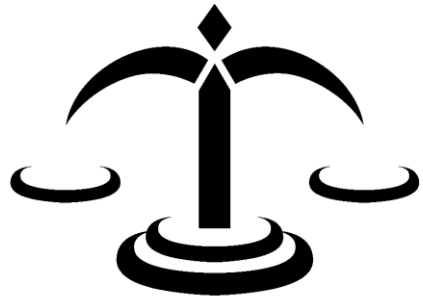


So What Do *You* Do?-- Attorney



**THANKS FOR YOUR TIME
AND ATTENTION!**

QUESTIONS?



**ILLINOIS STATE
BAR ASSOCIATION**



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- Illinois State Bar Association, Committee on Education, Hon. Michael Chmiel, 22nd Judicial Circuit, Chair, and Hon. Robert Wilbrandt, 22nd Judicial Cir., Thomas Cynor, 22nd Judicial Circuit.
- Constitutional Rights Foundation of Chicago
- Keith Robinson, “Jury Duty”, from “Making It” comic strip, gocomics.com, Sept. 21, 2003.
- “My Cousin Vinny”, released, 1992, Produced by Dale Launer and Paul Schiff, Directed by Jonathan Lynn, Written by Dale Launer.

References

- *Gurba v. Community High School Dist 155*, 2015 IL 118332
- American Bar Association, “Criminal Justice Standards”, www.americanbar.org/groups/criminaljustice/standards.html
- “1774: The Intolerable Acts”, <http://totallyhistory.com/intolerable-acts/>
- “Petit Juror Handbook”, www.illinoiscourts.gov/circuitcourt/jury/juror.asp
- Illinois Judges Association