



Welcome to the Trial by Peers (TBP) summer program.

IMPORTANT! PLEASE READ BELOW:

All students **must read** the required material prior to class and have a **one page written outline** of the material prepared for that night's class.

Any student who is not prepared for class with an outline will be required to turn in a summary of the material. The summary will be no shorter than 1000 words and will be due the following class.

- If there is homework for a section it will be located on the last page in that section. The homework must be done and handed in at the following class. I.E. Criminal Law homework must be handed in on July 5th.
- You can only miss 3 classes. If you know you are going to be absent, please notify TBP staff in writing so you can be marked excused. If you have an emergency arise please call the TBP staff to inform them.
- You are required to attend 2 TBP jury duties during or immediately following the TBP summer class. Please call the TBP office at 333-8277 during normal business hours to schedule them.
- Please have your Field Training Form signed when attending activities outside the classroom (i.e. Jury Duty and courtroom visits)
- Summer class participants are required to show up on time as well as be picked up on time. All students **MUST** be picked up no later than 15 minutes after the scheduled end time of each class. Non compliance of this rule may jeopardize your enrollment in the TBP summer class.
- Remember always ask questions if you don't understand. We are here to have fun and meet new people as well as be educated!
- TBP phone number: (702) 333-8277 (business hours 8 a.m. to 5 p.m.)

General Information

What is the Trial By Peers Program?

Trial By Peers (TBP) is a juvenile diversion program of the Clark County Law Foundation operates in cooperation with the Department of Family and Youth Services. TBP is based on the Youth Court concept. This program allows first time juvenile offenders charged with misdemeanors to be tried, defended, and sentenced by their peers (teens approximately their own age). Participating adults in the proceedings are the judge and the senior attorneys.

Overview of the Youth Court Concept

Peer pressure is a common occurrence during adolescence. Unfortunately, many times this is in a negative way. Research suggests that there is a direct correlation between delinquent behavior and association with delinquent peers. With this in mind, youth courts attempt to capitalize on the concept of positive peer influence. In youth courts, a peer jury imposes a sentence instead of adults, sending a strong message to the juvenile in trouble that their peers do not agree with their actions and that their behavior is unacceptable. Youth courts, also referred to as teen courts or peer courts, serve primarily two functions. One function is to hold juveniles accountable for their actions. The second function is to allow juveniles in the community to enhance life skills, such as problem solving, communication, and conflict resolution. Both groups of juveniles get hands on experience within the legal system. Concepts emphasized in youth court not only include accountability and involvement, but youth empowerment, competency development, and positive peer influence.

Reference: Godwin, Tracey M. *Peer Justice and Youth Empowerment: An*

Implementation Guide for Teen Court Programs. U.S. Department of Transportation, 1996.

For more information on Youth Courts visit the National Youth Court Center's Web site at

www.youthcourt.net .

In the State of Nevada, which handle juvenile cases. An additional Referring Authority maybe added at the discretion of the Clark County Law Foundation Executive Board.

Section 3. TBP will enforce its sentence upon approval of the presiding TBP Judge. A person tried by the TBP will not be discharged from the jurisdiction of the Referring Authority, until a recommendation of discharge from the case has been made. Failure to comply with a sentence imposed by the TBP will result in automatic return of the case to the Referring Authority.

Section 4. Trial By Peers shall have jurisdiction over those individuals who are charged with delinquent conduct occurring in the Clark County area, and are enrolled in grades 7 through 12 and /or are 12 to 17 years of age. If a case is proven to be in any way gang related the TBP will not be handling that case.

Goals and Objectives

- To provide a county alternative court where juvenile offenders can be tried and sentenced by a group of their peers.
- To facilitate Clark County youth in gaining awareness and respect for their legal responsibilities to society and to afford an opportunity for the youth to play a positive role in the administration of justice.
- To reduce the volume of cases burdening our juvenile judicial system by offering an alternative that is proven successful in lessening repeated offenses.

- To assist attorneys in providing a service to the public by introducing young people to the justice system through the hands on experience of prosecuting or defending a real case, and through teaching during the eight week training course.
- To deter future offenses from the juveniles referred into the program by exposing them to judgment by their peers, by requiring the youth's parents/guardians to be involved in the process, by mandatory community service and by required jury service.

Goals Met By TBP

- Trial By Peers is recognized as a legitimate Juvenile Diversion Program where the courts send defendants to be tried and sentenced by a group of their peers. The program has the full support of the courts even so far as to have been awarded subpoena power.
- The educational goals of the program are continually being fulfilled as the number of kids that are involved averages about 900 per year. The experience these kids receive from being involved in this program assists them in gaining knowledge and forming respect for the judicial system.
- Trial By Peers has provided many opportunities for attorneys and Judges to work with Clark County youth as mentors. This interaction has assisted in bridging the gap between the legal community and the community at large in a positive fashion.
- The primary goal of the Trial By Peers Program, which is to reduce the recidivism rate of first time juvenile offenders, has proven to be successful over the past five years based on statistics provided by Juvenile Court.

Impact of Trial By Peers

Statistics show that the juveniles who are going through Trial By Peers have a much lower rate of repeated offenses than those who come through the regular court system. This result can be attributed to several things. Youth that go through the program are affected by the judgment by peers, the mandatory community service, and the involvement of the parents or guardians during the process, and the mandatory return of the defendant to serve on the TBP jury. The benefit to the youth of Clark County is a second chance, direction away from repeated offenses and education. The benefit to Clark County is a lower number of repeated offenses, an alternate program and lower cost within the court system.

Benefits of Trial By Peers

Counselors

- Afford an opportunity for youth to play a positive role in the administration of justice.
- Develop an understanding and respect for the law through classroom education and hands on experience.
- Gain insight into the inner workings of the law by working with local judges, attorneys and law enforcement officers.
- Have a positive influence on peers.
- Gain leadership capabilities by working on the Peer Advisory Board.
- Gain knowledge in public speaking, research, ethics, and other life skills.
- Learn how to listen effectively, enhance conflict resolution skills, and broaden communication skills.

Defendants

- Deters future offenses by exposing them to judgment by their peers.
- Resolve legal problems without receiving a criminal record or hiring an attorney.
- Gain a new perspective of the law by serving on jury duty.
- See what it is like to help the community through community service instead of hurting the community by breaking the law.

Community

- The community receives valuable service through the mandatory requirement of community service and jury duty.
- TBP reduces the volume of cases burdening the juvenile system by offering an alternative that is proven successful in lessening repeated offenses.
- TBP lowers the cost within the court system by alleviating those people who would have had to work the case had it not been diverted. TBP is a non-profit organization that does not charge defendants to go through the program. Judges, attorneys, and counselors strictly volunteer their time.

What Kind of Cases Does TBP Receive?

Trial By Peers receives primarily non-violent misdemeanor cases. Some of these include battery, petit larceny, affray, harassment, and possession of alcohol. Criminal charges are brought against a person going through TBP primarily through a citation issued by a police officer.

TBP Case Procedure

Juvenile Intake refers all TBP cases. Once a case is referred to TBP, it is assigned to a court date depending on if the minor is admitting or denying the charge. Court dates vary per month depending on the days of the month judges volunteer their courtroom to hear proceedings. Elected judges in Clark County hear cases for TBP after their daily court docket. Thus, TBP court is held in the evenings at 5:30 p.m. If the minor is admitting to the charge, s/he will appear before the jury for sentencing. If the minor is denying the charge, peer prosecution and defense counselors work with Nevada licensed attorneys in preparation for trial, including the subpoenaing of witnesses. If the case proceeds to trial, the first phase will be determining the guilt or innocence of the minor. If found not guilty, the case is dismissed. If found guilty, the case continues on to the second phase, the sentencing phase. The defendant is given one month to complete his/her sentence. If completed satisfactorily, the offense does not show on the juvenile's record. The only indication is "Referred to Peer Court". If the defendant fails to comply with sentencing, the judge can amend the sentence with additional requirements or send the case back to Juvenile Intake.

Youth Positions in Trial By Peers

Trial By Peers is designed to help introduce youth interested in the justice system to the different positions available. Below are the different positions and their descriptions that youth may participate in while involved in the Trial By Peers program.

1. Defense Counselor - A defense counselor is an advocate for the defendant. The defendant should be represented in the best possible light. While the defense counselor must zealously seek to help their client, they must never misrepresent the case. To prepare the case, the defense counselor should be familiar with the aggravating and mitigating circumstances.

The defense counselor will have the opportunity to meet with the defendant and prepare their case. They will interview the defendant and witnesses to learn the circumstances surrounding the offense. The defense attorney will not encourage the defendant to change his/her story in hopes of a lighter verdict, but stress the importance of remaining true to the facts of the case. At this time, the defense attorney should also familiarize the defendant with the hearing proceedings.

Once the hearing has started, and the jury has been sworn in, the defense counselor should introduce their self at this time (and introduce co-counsel, if any). The defense will be given an opportunity to make an opening statement.

The defense counselor should prepare their statements beforehand and practice them. Also, they should have possible questions written down for any witnesses during direct and cross-examinations. *Counselors must carefully follow the case in its entirety throughout the trial. Information may change or new information may be presented. Thus, counselors can alter their closing argument to reflect those changes.

2. Prosecuting Counselor - A prosecuting counselor has the responsibility to seek justice and to advocate for a verdict on the severity of the offense. Remember prosecution carries the burden of proof.

The prosecuting counselor will be provided with a copy of the entire case prior to trial. All parties involved should be contacted and questioned except for the defendant. **Prosecution counsel cannot contact the defendant!** Instead, the prosecuting attorney should contact the defense attorney.

After the case is called and the jury has been sworn in, the prosecutor begins by giving, an opening statement. The prosecutor should introduce their self and co-counsel, if any. In the opening statement, the prosecutor should state the defendant's offense and cite the appropriate Nevada Statute. The prosecutor will let the court know what they intend to prove and why they plan to advocate for a particular verdict.

Next, the prosecuting counselor will call any witnesses for direct examination. The question should be relevant to the offense and should elicit responses that justify the prosecutor's verdict recommendations. Questioning can include why the defendant committed the offense, or why the defendant started the fight.

Following direct examination, the defense counselor will have the opportunity to cross examine the witnesses on the testimony already brought out through direct examination.

When the questioning of the all the witnesses are completed, the prosecuting counselor will give a closing argument to the jury. The closing argument should be organized and supported by the evidence presented in the case. The prosecuting counselor can point out the reasons why they would like the jury to recommend a particular verdict.

During the first phase of the trial, a verdict of guilty or not guilty should be recommended to the jury during the closing arguments. A sentence should be recommended as a part of the closing argument only during the second phase of the trial, the sentencing phase.

3. Juror - Youth in TBP will have the opportunity to participate in a very important part of democracy --- jury duty. Jurors are required to base their verdicts upon the evidence heard in the courtroom and upon the law, which the Judge will instruct the jury on prior to deliberation. Jurors are obligated to perform honestly and conscientiously, without fear or favor.

QUALIFICATIONS OF JURORS - Jurors must be between the ages of 12-18. Exceptions are made for those youths under the age of 12 if jury duty is required for the completion of his/her sentence.

INTEGRITY OF JURORS - It is part of the duties as a juror to conduct himself/herself in such a way that no one can question their actions. As a judicial officer through participation in Trial By Peers, jurors must not arouse distrust or suspicions. In case of any questions regarding the trial, the Judge should be consulted. The Judge is always ready and available to determine all questions of law pertaining to the case.

IN THE DELIBERATING ROOM - Jurors may use their personal experiences in life to make you decision. However, they may not use their personal experience as a teen defendant to try to sway the other jurors' decisions one way or the other. Consider only the information presented in the courtroom and in the jury instructions.

If jurors, who were past defendants, bring up the sentences they received for a similar offense, the Foreperson is to quickly intervene and tell the other jurors that the information is not pertinent in this case. Jurors are to disregard those statements and decide the consequences solely based on the information presented in court.

Jury Duty Instructions

1. Call the Clark County Law Foundation Trial By Peers program at 387-6011 during normal business hours, Monday – Friday, 7:30 a.m. – 5:30 p.m. to set up jury duty. Trial By Peers court days are held Monday-Thursday at 5:30 p.m. in courtrooms throughout Las Vegas, North Las Vegas and Henderson.
2. Jurors must show up for Trial By Peers jury duty on the dates they are assigned. If a juror fails to show without calling to cancel their appointment, it will cause the Trial By Peers staff to not set them up with jury duty anymore and, if applicable, their probation officer will be notified.
3. When attending jury duty, a juror must arrive 15 minutes before court in order to sign-in and receive any needed instructions. If they fail to sign in beforehand or come late, the jury duty will not be counted and they will have to reschedule.
4. **By signing the sign-in sheet, jurors are agreeing to hold in strictest confidence any information, including the names of individuals or arrest incidents, which they may learn through their participation in the "Trial By Peers" program. Jurors understand that should they divulge any confidential information regarding the Trial By Peers court proceedings it will cause them to be in violation of juvenile confidentiality laws, and as such, may be in contempt of court.**
5. Jurors are not allowed to wear shorts, cutoffs, short skirts/dresses, baggy pants, tank tops, hats, or any items with profanity on it. If a juror shows up wearing any of these items, they will be sent home, the jury duty will not be counted and they will have to call to reschedule.

6. No giggling or talking while court is in session. If a juror is caught giggling or talking, they will be asked to leave and will not receive jury duty credit.
7. No gum, food, or drinks will be allowed in the courtroom.
8. The parents of jury members must remain at the courthouse and wait for their child. No parents are allowed in the courtroom while court is in session. Parents may wait in the lobby.

Jury Duty Procedure

1. The judge will introduce him/herself and ask counselors to do the same.
2. The clerk will swear in the jury. **When the jury is sworn in, all jurors must stand and raise their right hand. All jurors must answer: yes (loud and clear)!**
3. The judge will read the charges as well as the description of each charge.
4. The judge will ask the defendant for his/her plea on each charge.
5. The judge will allow the prosecution, who is the counselor for the state of Nevada, to give a brief opening statement. If the defendant pleads guilty, this will be followed by a sentencing recommendation. Then the defense will do the same. If the defendant pleads not guilty, the opening statements will be followed by a trial.
6. If the defendant pleads not guilty, the judge will read the jury instructions, which will advise the jury of what the guidelines are for determining guilt or innocence. The clerk or a TBP staff member will then escort the jury to another room to deliberate. **All jury members must participate.**
7. After sentencing arguments, the defendant will have an opportunity to speak. He/she does not have to speak unless they wish to.
8. Once the defendant has given their statement, the judge will read the sentencing instructions. The sentencing instructions will advise the jury what the guidelines are for sentencing.
9. The clerk or a TBP staff member will then escort the jury to another room to deliberate on an appropriate sentence based on the facts presented to the jury and the recommendations given to the jury by both sides. **All jury members must participate.**
10. The jury will have 10-15 minutes to pick a foreperson and decide on a sentence. If the jury cannot pick a foreperson, one will be picked by staff.

Court Clerk

Handles all the paperwork during trial

- Enter the defendant's plea on **Judgment Form**.
- Swear in the jury after Judge has welcomed the court.

Stand and raise your right hand.

- "Will all jurors stand and raise your right hand. Do you and each of you solemnly swear or affirm that you will, well and truly, try the case at issue and render a true verdict according to the evidence presented? Please be seated."
- Swear in each witness when called to the stand. "Do you solemnly swear or affirm that the testimony you are about to give in this case is the truth, the whole truth, and nothing but the truth? Please state your full name for the court."
- Jury will leave to deliberate.

If Judge has not already done so, give the bailiff form:

Instructions to the Jury

- Jury will return and Judge will pronounce verdict.
- Jury will leave for sentencing.

If Judge has not already done so, give bailiff form:

Sentencing Instructions

- Bailiff will have given the Judge both forms. When the case is finished, the Judge will give forms and the file to you.
- Make sure the forms are signed by the foreperson.
- The Judge will instruct the defendant and parent/guardian to sign the:

Judgment Form

- You will need to fill it out and sign it as well. This information you can get off of the sentencing form and/or listen to what the Judge sentences the defendant to. *Make sure the Judge signs the form.
- Most important thing is to have the **Judgment Form** signed by all parties (clerk, judge, parent/guardian, and defendant).
- If you have any questions or problems, get the attention of a TBP staff member and they will assist you.