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Spring 2012

Michigan Supreme Court Learning Center Educator Newsletter

CALENDAR

May 1	Law Day
May 8–9	MSC Oral Arguments*
May 28	State Holiday
May 30	MSC Public Hearing*
Jun 25–29	Exploring Careers in the Law, 10th–12th grades
Jul 31	MSC opinion deadline
Aug 1–2	Moot Court in Your Classroom Teacher Workshop
Sept 17	Constitution Day

*Proceedings of the Michigan Supreme Court (MSC) are broadcast on Michigan Government Television (MGTV). The State Bar of Michigan also archives proceedings online: www.michbar.org/courts/virtualcourt.cfm.

Summer Programs at the Learning Center Limited Openings Available

Limited openings are available in summer programs for high school students interested in legal careers and for teachers who would like to use moot court simulations in their classrooms.

Exploring Careers in the Law for 10th–12th Grades

June 25–29; application deadline May 11

Moot Court in Your Classroom for Teachers

August 1–2; application deadline June 15

Participants in both programs will examine how appellate courts work by arguing a case as if before the Michigan Supreme Court. To prepare, participants will meet with legal professionals, court staff, and justices.

The example civil suit involves a case against 911 operators who treated a five-year-old boy's emergency calls as a prank, despite a life-and-death situation. According to the law, should the case be allowed to proceed?

An announcement and applications for both programs are available online at <http://courts.mi.gov/plc>.

Did You Know?



The Michigan Supreme Court seal features an image of Lady Justice and a Latin phrase from Virgil's *Aeneid*, "*discite justitiam moniti*," meaning "being admonished, do justice." The seal must appear on some official documents, such as subpoenas, and it hangs in the Michigan Supreme Court courtroom. It dates back to 1815.



"Thank you so much for the opportunity to explore careers in law. The information presented and the entire experience was outstanding. Our daughter asked if there was a second week in addition to the current week. Now that is interest!"

— Parent of past participant



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In Brief: Courts Resolve Disputes

Courts are established to resolve disputes. Courts follow rules to examine the evidence (facts), and then decide what really happened and what should be done about it according to the law.

In criminal cases, courts decide whether someone committed a crime and what the punishment should be. For example, did Sabrina Smith shoplift a pair of earrings, or did she forget she had them in her hand as she says? If she is guilty, how does she pay for her crime – money, jail, an apology?

In civil cases, courts settle disagreements that people cannot work out themselves. For example, was Tony Jones’s television broken when he bought it? Does the store owner have to replace or fix it?

Courts reach their decisions by listening to both sides of the case. This is called the *adversary process*. Each side, called a party, presents the facts that best support its side. The parties also bring up the weaknesses of the other side’s arguments. In the end, one party wins and the other loses. The answer is decided according to the law.



Adversary adj., involving two persons or two sides who oppose each other <our *adversary* system of justice>.

From *Merriam-Webster’s Student Dictionary*
<http://www.wordcentral.com>

Alternative Dispute Resolution

There is an alternative to the adversary process of resolving disputes. Each year, over 10,000 Michigan citizens use mediation services supported by the [Community Dispute Resolution Program](#).

Mediation is a voluntary process in which the parties meet with a trained neutral mediator and together find a solution to their problem. The final agreement can be virtually anything the parties agree to so long as it is not at odds with the law.

Mediation is a “win/win” rather than a “win/lose” solution. It focuses on what the issues are, how they can be resolved, and what can be done to avoid similar problems in the future. In court, the focus is on the past and who is at fault for the current situation.

If a situation is resolved through mediation, it does not need to go any further. If mediation does not resolve the issue, the parties are free to pursue all legal remedies, such as suing in court. In a majority of disputes taken to mediation, parties reach an agreement that makes legal action unnecessary.

BEST OF THE WEB

RESOLVING DISPUTES



Classroom Resources

LRE Project Exchange – Mediation and the Adversary Process
<http://www.eric.ed.gov/PDFS/ED348252.pdf>

See page 10 for lesson plans that use simulations of small claims court and mediation.

Annenberg Classroom – How a Trial Works
<http://www.annenbergclassroom.org/page/faqs-juries>

This video discusses the adversary process (4:39).

General Information

Mediation: Resolving Your Dispute without Going to Trial
<http://courts.michigan.gov/scao/resources/publications/pamphlets/Mediation.pdf>