

## Skyline Student Traffic Court 2009-2010



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### BACKGROUND AND PURPOSE

Skyline High School's Student Traffic Court exists through a unique and enduring relationship with the Issaquah District Court. The program began at Issaquah High School more than thirty-five years ago. Students, administrators and parents have valued this program for its benefits to the student "Defendants," as well as those who serve as members of the Student Court. Skyline High School must continually strive to maintain the integrity of the program so that this important relationship with the District Court may continue.

The intent of the Student Traffic Court is to allow students who have been cited for minor traffic infractions, such as speeding, to take responsibility for their actions, while keeping their relatively new driving records clean. Qualified Skyline High School students are allowed to appear before the Student Court (instead of the District Court) and receive a penalty of community service hours to be performed. If these hours are performed successfully, the infraction will be dismissed.

Students, who serve on the Student Court as Judges, Jurors, and Clerks, benefit from the experience as well. They learn skills in listening and decision making while acquiring knowledge of how the legal system works. These students deal with real world issues of ambiguity and peer pressure, and learn the importance of recognizing foreseeable consequences of one's actions.

The community benefits from the Student Courts as well. All community service must be performed in the local area.

Parents, of course, value this program because students are required to take responsibility for their actions, while at the same time maintaining some degree of insurance affordability.

## HOW IT WORKS

When an individual is cited for a traffic infraction, the citation is filed with the District Court. The student cited, becomes the "Defendant." Once the Defendant receives a copy of the citation they are asked to follow the instructions printed on the back. The Defendant must indicate whether he or she wishes a hearing to either "contest" or "mitigate" (admit but explain) the infraction. (The Defendant always has the option of admitting the infraction and paying the fine, in which case, the Student Court would not be involved.)

If the Defendant should choose a hearing, the date is set by the District Court and the Defendant must appear at the Issaquah District Court. At the time of the hearing, the Defendant may indicate that he or she is a student at Skyline High School. The court may refer the case to the Student Court and take no immediate action on the citation. However, in the request for referral, the Defendant must understand that the Student Court will not be entitled to find the infraction "not committed." Students may also request a transfer to Student Court by letter to the court and by phone.

Students may only take advantage of the Student Court opportunity once. A second offense will not be referred to the Student Court. However, if a student Defendant has prior traffic violations but has never been to the Student Court, he or she may have the new offense referred there.

## Processing New Cases

The Issaquah District Court delivers all Student Court cases along with a copy of the citation, the police officer's report, and a copy of the Defendant's driving record to the Skyline High School Student Court Clerk. The Student Court Clerk processes these and delivers a summons to each student Defendant, during the school day, requiring the Defendant's appearance before the Student Court at a particular day and time. (Note: Violations charged during the month of June, July, and August are handled during the following school year unless the student will no longer be a Skyline High School)

## STUDENT COURT SESSIONS

Student Court sessions are held in the Issaquah District Court building, generally one evening a month during the school year. A robe is provided for the student Judge by the District Court. The Student court Judge presides from the bench and the Court Clerk sits to the side. Jurors are seated in the jury box. Defendants and visitors are seated in the audience. All Defendants are sworn in as a group at the beginning of the court session. When a Defendant's case is called, he or she comes up and sits at counsel tables. The Student Court Advisor is always present in the Court.

## COURTROOM PROTOCOL

The Student Judge follows an established protocol (see sample script), and Defendants are required to abide by the same kind of courtroom decorum that would be fitting in the District Court -i.e., no hats, gum chewing, eating, drinking or talking during session. It is the judge's job to remind Defendants of this, if necessary.

The primary difference in procedure with Student Court is that the Judge and Jurors are allowed to ask questions of the Defendant. There are no attorneys.

## JURY DELIBERATION

After hearing a case, the Student Judge and Jury retire immediately to the jury deliberation room for consideration of what they have heard. Remember that the Student Court does not have the option of finding the offense not committed. The Student Judge presides over the jury's deliberations in an attempt to reach consensus as to the penalty imposed. However, a majority vote is decisive, and the judge may break the tie.

During these proceedings, the Judge and Jury are engaged in serious decision making about their peers. Penalties are determined using guidelines provided by the District Court, but the Student Court may exceed or decrease the penalty if they find it appropriate. All penalties are a certain number of community service hours. No fines are involved.

## IMPOSITION OF PENALTY & FOLLOW UP

Upon reaching a decision, the Judge and Jury return to the courtroom and inform the Defendant of the penalty. The Student Court Clerk provides the Defendant with a written penalty order and instructions on how to comply within the required time limits. Subsequent to the court proceedings, the student Court Advisor is the contact for all defendant questions/issues. Students must provide written proof of performance to the Student Court Advisor who then reports compliance to the District Court. After all procedures and guidelines have been completed, the case is then formally dismissed by the District Court and will not appear as a violation of the Defendant's driving record.

In the event a Defendant does not comply, this too is reported to the District Court which then finds the infraction "committed" and sends notice to the Defendant advising he or she has 30 days to pay the fine required by law. The offense will then appear as "committed" on the Defendant's driving record.

## 2009-2010 STUDENT COURT DATES

Held at City Of Sammamish City Hall Bldg. (Unless Noted Otherwise)

801 228<sup>th</sup> Ave SE  
Sammamish WA 98075

Tuesday, October 20<sup>th</sup> @ Skyline HS Room #104 3:30-4:30pm

Monday, November - 2<sup>nd</sup> 4:30-5:30pm

Monday, December - 7<sup>th</sup> 4:30-5:30pm

Monday, January- 11<sup>th</sup> 4:30-5:30pm

Monday, February- 1<sup>st</sup> 4:30-5:30pm

Monday, March - 1<sup>st</sup> 4:30-5:30pm

Monday, April - 5<sup>th</sup> 4:30-5:30pm

Monday, May - 3<sup>rd</sup> 4:30-5:30pm

Students must be at the specified location 15 minutes prior to the start time on the evening of the above court dates. Notification will be sent out to the student prior to their scheduled court date.

## SUGGESTED QUESTIONS TO ASK DEFENDANT

### AS APPROPRIATE...:

- You were pulled over?
- Was your radio on or were there any other distractions present?
- How did you feel about your traffic violation?
- Have you learned from this situation? How so?
- Have you repeated this behavior since you received the ticket?
- Have you driven with anyone else in the vehicle since this experience?
- Where were you and where was the police office?

Listen for the response so that you or someone else can ask good follow up questions.

## STUDENT COURT PERSONNEL

### JUDGE

The ASB Vice President serves as the Student Court Judge. The Judge presides over the Student Court and any meetings held during the school year. The Judge is also involved in the selection of new Jurors in the spring.

2009-2010 \_\_\_\_\_

### JUDGE PRO TEM

The ASB President serves as Judge Pro Tem and presides in the absence of the Student Court Judge.

2009-2010 \_\_\_\_\_

### COURT CLERK

The ASB Secretary serves as the Student Court Clerk. He or she processes all paperwork associated with the Student Court, including issuance of the summons, preparation of penalty orders, instructions to Defendants, and records of compliance.

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### JURORS

Seven jurors and one alternate are chosen from the sophomore, juniors, and senior classes. Students may apply in the spring for open positions. The selection is made by the returning Judge, Jurors, Court Clerk and the Student Court Advisor. Jurors serve on the court for two years unless there is a resignation, graduation or two or more unexcused absences from the court.

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Name: \_\_\_\_\_

Alternates: \_\_\_\_\_

### ADVISOR

The Student Court Advisor is generally an Assistant Principal. He or she works with all members of the court to provide them with the structure and training. The Advisor is the primary contact between the District Court and the Student Court. After the court date, all communications with the Defendant go through the advisor.

### **2009-2010:**

Jeff McGowan ~ 425.837.7747 or 206.919.8082 ~ (Cell)

## PROTOCOL FOR COURT SESSIONS

Setting: The Student Court Judge and the Jury will assemble in the jury deliberation room  
~ the Defendants and spectators in the courtroom.

The clerk will come into the courtroom, stand at the desk, and say...

**Clerk** "All Rise. The Skyline High School Student Traffic Court is now in session. The Honorable (name of Student Judge), presiding."

While the Student Court Clerk is speaking, other members of the Student court enter. Sophomore, juniors, and senior Jury members enter the courtroom, always in that order. The Judge follows. When all are at their designated areas, the Judge will say...

**Judge** (tap gavel) "Please be seated."

**Clerk** The clerk will read a list of the Defendant's names. "The Student Court asks that you respond when your name is called so that there is a record of your attendance."

**Judge** "Would the Defendants please rise and raise your right hand to be sworn. (Pause, wait for Defendants to stand and raise hand) Do each of you swear or affirm that the testimony you will give in this matter will be the truth and nothing but the truth?"

(Wait for response)

**Judge** "Will the Defendant, (name of first Defendant), please come forward for a reading of the charges."

(Wait for Defendant to come forward and be seated at counsel table)

**Clerk** (Read citation and entire officer's statement)

**Judge** "What would you like to tell the Court about this incident?"

(Judge gives the Defendant an opportunity to say whatever he or she thinks is important in his or her own words)

(Judge then begins by asking a question or two concerning the case to

determine the details. Then, and most importantly, the Judge tries to determine the Defendant's attitude toward the responsibility of driving)

**"Do any of the jurors have questions for the Defendant?"**

(Jurors may then ask questions, if they wish)

(When there are no more questions by the jurors)

**"The court will now recess to deliberate."**

**Clerk**

**"Please rise."**

(The Judge exits to the jury room with jurors following. After Judge and jury have determined the penalty to be imposed, they return to the courtroom, in original order)

**"Please rise. Court will now resume."**

(Judge and jury take their places)

**Judge**

**"Please be seated. Mr. (Defendant), please stand for the reading of The Court's decision. The court has determined your penalty to be (#) hours of community service to be performed by (date). Please see the Court Clerk to receive your paperwork."**

(Judge then moves to the next case and begins the process all over again until all cases are concluded)

(At the end of the session) **"That completes this evening's calendar. Court is adjourned." (tap gavel)**

(Judge returns to the jury room with the jurors following and all Defendants/Visitors leave the courtroom)

## GUIDELINES FOR PENALTIES

### SPEEDING: IF SPEED LIMIT IS OVER 40 MPH

<u>MPH OVER LIMIT</u>	<u>HOURS</u>
1-5	10-13
6-10	11-17
11-15	14-22
16-20	16-27
21-25	23-31
26-30	28-38
31-35	33-48
36-40	38-57
Over 40	40-69

### SPEEDING: IF SPEED LIMIT IS UNDER 40 MPS

<u>MPH OVER LIMIT</u>	<u>HOURS</u>
1-5	10-17
6-10	11-19
11-15	14-25
16-20	18-32
21-25	23-41
26-30	28-51
31-35	33-60
Over 35	39-72

### COMMON INFRACTIONS

<u>COMMON INFRACTIONS</u>	<u>HOURS</u>
Failure to stop/yield	11-13
Failure to yield right away	11-13
Improper land travel	11-13
No turn signal	11-13
No license on driver	13-25
Intermediate driver violation	11-13

**Note:** If this is the second time the Defendant has been charged with the same offense, an additional 7 hours should be considered. If this second offense is different than the first, an additional 5 hours should be considered. If the infraction took place in a clearly

marked construction or school zone, the number of community service hours should be doubled.

**APPLICATION  
2009-2010  
SHS STUDENT COURT JUROR**

Directions: Please complete the form below and turn it into Jeff McGowan in the Main Office.

NAME \_\_\_\_\_

GRADE \_\_\_\_\_

(Must be 11<sup>th</sup> or 12<sup>th</sup>)

Address \_\_\_\_\_

Phone(s) \_\_\_\_\_

Working E-Mail Address: \_\_\_\_\_

Cumulative G.P.A. \_\_\_\_\_

Driver License# \_\_\_\_\_

It is considered a privilege and honor to serve as a juror on the Skyline High School Student Court. The jurors are expected to follow an established protocol and abide by the same kind of courtroom decorum that would be fitting in the District Court.

- Jurors will be expected to dress appropriately. Shirt and ties for men (jackets preferred but not mandatory) and skirts or professional-looking pants for women, no jeans or hats.
- All jurors must arrive at the specified location TBD between 5:45 and 5:50 pm., court begins promptly at 6:00 pm.
- Jurors will be expected to have read the Student Court Manual prior to the first court session in October
- Jurors will be expected to behave appropriately during the court proceedings. No eating, drinking, or gum chewing is allowed. Jurors are to remain quiet while the court is in session. Feet need to stay on the floor.

By signing this application, the parents gives permission and assumes responsibility for their student transportation (including driving themselves), or to identify appropriate transportation for their student to and from the SHS Student Court to be held at the specified location TBD on the previously identified court dates. Transportation to and from the court, or any related activities, is the responsibility of the parent and student. Neither SHS nor the ISD is responsible for those arrangements or any consequences that derive from them.

The student signature indicates that they have read and agree to comply with the established courtroom protocol. It is understood that the Advisor reserves the right to withdraw the privilege of any student involved in SHS Student Court in the event of tardiness, irregular attendance, low grades, or other conduct deemed inappropriate.

Please contact Mr. McGowan at 425.837.7747 or [mcgowanj@issaquah.wednet.edu](mailto:mcgowanj@issaquah.wednet.edu) if there are questions or issues which you would like to discuss.

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**Student Signature**

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**Parent/Guardian Signature**

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**Date**

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**Date**

**Juror Information Sheet**  
**2009-2010**  
**SHS STUDENT COURT JUROR**

**Directions:** Please complete the form below and turn it into Jeff McGowan in the main office.

**NAME** \_\_\_\_\_

**GRADE** \_\_\_\_\_  
(Must be 11<sup>th</sup> or 12<sup>th</sup>)

**Address** \_\_\_\_\_

**Cell Phone** \_\_\_\_\_

**Working E-Mail Address:** \_\_\_\_\_

**Emergency Contact:** \_\_\_\_\_