

HOW COLORADO TRIAL COURTS WORK

Lesson Plan Summary



OBJECTIVE

Students will be able to explain the structure of the Colorado Judicial Branch and the types of cases that different courts handle to deepen their understanding of state government.

INQUIRY QUESTIONS

- How are the roles of the different courts similar and different?
- How do the different court structures impact democratic decision making?
- What are the benefits and drawbacks of having three tiers of courts in Colorado?

COLORADO ACADEMIC STANDARDS

SS.HS.4.2.EOf. Evaluate the role of the judicial system in protecting life, liberty, and property for all persons in the United States

ACTIVITIES

Inside the Colorado Trial Courts Video (www.youtube.com/watch?v=xYf_dNxqbY4) Lecture/Reading, Courts in the News Activity, Courts in the Movies Activity, Design a Social Media Campaign (extension activity)

MATERIALS

Courts in the News, Courts in the Movies Worksheets

GRADE LEVEL

High School

TIME

One to two class periods, depending on activities selected.

KEY TERMS

- **Trial Courts:** The initial court where a case is presented, evidence is heard, facts of a case are decided, and the law is applied to reach a verdict or judgment. These courts may involve a jury or be decided by a judge alone. Decisions made in trial courts can be appealed to a higher court. In Colorado, these are made up of county and district courts.
- **Colorado Court of Appeals:** This is the intermediate appeals court in Colorado that reviews decisions made by trial courts. They focus on whether the lower court correctly applied the law and followed proper procedures, rather than re-trying the case or hearing new evidence. A three-judge panel renders a decision.
- **Colorado Supreme Court:** This is the highest state court in Colorado and is considered the court of last resort. The court selects which requests to hear and decide. There are seven justices on the court.
- **Petition of Certiorari:** A petition for certiorari is a formal request made by a party to a higher court, asking it to review a decision made by a lower court.

Find more legal terms in our [Courts in the Community Teaching Materials](#).

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Lesson Background and Class Preparation



LESSON BACKGROUND

The goal of this lesson is to help students understand the role of the judicial system and specifically the trial courts within the Colorado Judicial Branch. In the U.S., the courts exist to resolve conflicts when people, companies, or governments cannot settle them privately. Courts look at the facts of a conflict and interpret and apply the law to resolve the disagreement. The judicial system upholds the rule of law in a variety of ways, such as holding trials to determine whether people accused of breaking the law are guilty, interpreting constitutional provisions and statutes, and holding trials in cases involving civil or personal rights. Courts safeguard rights enshrined in the U.S. and Colorado constitutions, such as a right to due process, trial by jury and equal protection.

There are two main court systems in the United States: federal courts and state courts. More than 95 percent of cases are resolved by state courts. Issues that come up in state courts include, but are not limited to, traffic offenses, divorces, crimes (misdemeanors and felonies), dependency and neglect, wills and estates, and buying and selling property. In general, state courts apply state law, while federal courts apply federal law. In Colorado there are three tiers of courts: trial, Court of Appeals & Supreme Court.

This is a lesson from our Courts in the Community curriculum. Find out more about this program (coloradojudicial.gov/courts-community) and our lessons (coloradojudicial.gov/community-and-educational-resources/lesson-plans).

CLASS PREPARATION

- This lesson offers a variety of activities, which you can tailor to the interests of your students.
- Write lesson objective & key terms on the board or screen before class.
- Review Tips for Diverse Learners on page 12 to determine the best way to engage your students with the content.
- Decide whether you want to lecture about the Colorado Courts or have students do the reading. Make copies of the reading if needed. Display the Colorado Case Flow and Jurisdiction (below) on your class screen.
- Decide whether to do the Courts in the News and/or Courts in the Movies activity. Make copies of worksheets.
- **Courts in the News Activity**
 - Find or have your students find news articles about recent court cases that would be of interest.
 - Make copies of the “Courts in the News” worksheet, enough for each student to have a copy.

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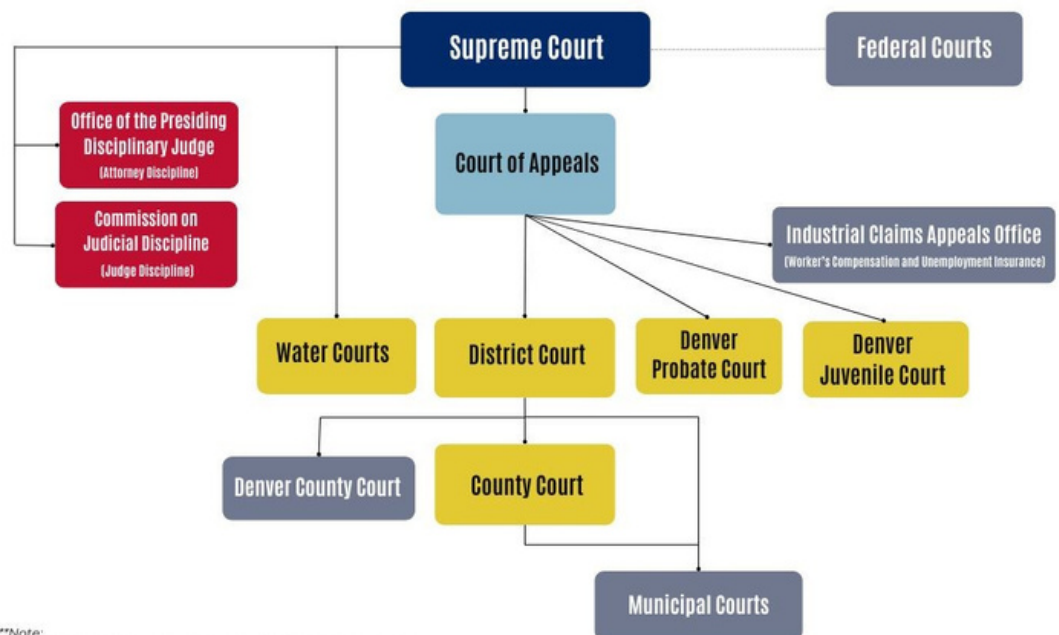
Class Preparation (con't)



CLASS PREPARATION

- **Courts in the Movies Activity**
 - Make copies of the “Courts in the Movies” worksheet.
 - Select a few clips from the list below or find your own to share. You may want to provide a little background about the movie.
 - 12 Angry Men: <https://www.youtube.com/watch?v=KhnmAwiHtzo>
 - Philadelphia: <https://www.youtube.com/watch?v=hBEgITRjNbo>
 - A Few Good Men: https://www.youtube.com/watch?v=2sLcfQKU_co
 - My Cousin Vinny: <https://www.youtube.com/watch?v=W7YoxrKa4f0&list=PLk7oY38R3EsABWLdpyzJl2GXRnCjv1PA&index=21>
 - Boston Legal: <https://www.youtube.com/watch?v=hmpzL5r6aKE>
 - Legally Blonde: <https://www.youtube.com/watch?v=GSu7BGbyJqc>
 - Erin Brockovich: <https://www.youtube.com/watch?v=M84jESdUXWk>
 - On the Basis of Sex: https://www.youtube.com/watch?v=D4UKzfq-v_g
- As you are lecturing, you can show the chart below. Or make copies to share with students.

COLORADO JUDICIAL CASE FLOW AND JURISDICTION



**Note:

- Entities shown in grey are not part of the State Court System.
- Entities shown in red represent independent offices of the Colorado Supreme Court.

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Class Lecture



CLASS LECTURE

Role of the Courts

The Judicial Branch upholds the rule of law in the following ways:

- holding trials that determine the guilt or innocence of persons accused of breaking the law;
- resolving disputes involving civil or personal rights;
- interpreting constitutional provisions and laws enacted by the legislature;
- providing appellate court review for decisions of lower courts.

Independent courts

- Independent judges can ensure a case will be decided according to the law and the facts, not shifting political currents

Two distinct court systems

- Federal courts
- State courts
 - Handle more than 95 percent of cases
 - Traffic offenses, divorce, wills and estates, buying and selling property are governed primarily by state laws, so are heard in state courts
- State and federal courts are divided into three layers
 - Trial courts, where cases start
 - Intermediate appellate courts, where most appeals are first heard
 - Supreme courts, which hear further appeals and have final authority in the cases they hear

General Structure of the Colorado Courts

- The Colorado judicial system is modeled after the U.S. judicial system.
 - Trial courts
 - Court of Appeals
 - Supreme Court
- There are three main kinds of trial courts in Colorado: county courts, district courts, and water courts
- County courts are courts of limited jurisdiction. The county courts handle cases involving:
 - misdemeanors
 - traffic infractions
 - small claims
 - felony complaints (which may be sent to the district court)
 - civil cases under \$25,000

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Class Lecture (con't)



CLASS LECTURE

- District courts are courts of general jurisdiction. There are 23 judicial districts in Colorado, composed of one to seven counties. These courts handle cases involving:
 - felony criminal offenses
 - civil cases in any amount
 - domestic relations
 - juvenile issues, including adoption, dependency and neglect, juvenile delinquency, and paternity actions
 - probate issues
 - mental health
- Colorado's seven water courts have jurisdiction over water issues in the state's seven different river basins (South Platte, Arkansas, Rio Grande, Gunnison, Colorado, White, and San Juan Rivers). Case issues include:
 - water rights
 - the use and administration of water
 - all other water matters within the jurisdiction of water divisions
- Court of Appeals
 - State's intermediate appellate court.
 - 22 judges serve in this court, and they sit in panels of three to hear cases. Chief judge assigns these panels and regularly rotates them. These judges serve terms of eight years.
 - Created by statute, so its jurisdiction is limited to specifically defined areas. It has initial jurisdiction over appeals from Colorado District Courts, Denver Probate Court, and Denver Juvenile Court. Some types of cases skip the Court of Appeals and go directly to the Colorado Supreme Court for their first appeal.
- Supreme Court
 - Colorado's court of last resort.
 - Seven justices make up the Supreme Court, and all of them hear every case, with limited exceptions; this is referred to as sitting en banc.
 - Justices serve terms of 10 years.
 - Has the authority to accept or refuse cases on appeal from decisions in the Court of Appeals. It also is the court of first appeal in some circumstances, thereby skipping the Court of Appeals. These circumstances include cases involving:
 - water rights
 - decisions of the Public Utilities Commission
 - writs of habeas corpus
 - summary proceedings initiated under Election Code
 - search and seizure questions in pending criminal proceedings
 - Decisions made by this court can only be appealed to the U.S. Supreme Court, generally when there is a federal constitutional question.

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Lesson Instructions



INTRODUCTION (4 minutes)

Begin by saying “Today we are going to learn about the judicial system and specifically the trial courts within the Colorado Judicial Branch. In the U.S, courts exist to resolve conflicts when people, companies, or governments cannot settle them privately. Courts will look at the facts of the conflict and interpret and apply the law to resolve the disagreement. The judicial system upholds the rule of law in a variety of ways, such as holding trials to determine whether people accused of breaking the law are guilty, interpreting constitutional provisions and statutes, and holding trials in cases involving civil or personal rights.”

WARMUP

Review key terms on the board or the screen.

Video (5 minutes)

Watch the [Inside the Colorado Trial Courts video](#) and discuss.

Lecture or Reading (15 minutes)

Deliver the lecture about the judicial system. Or, divide the students into groups and handout copies of the reading. Have students take turns reading sections in their groups. Then, discuss the following, in groups or as a class:

Discussion (5 minutes)

- How are county and districts similar? How are they different?
- How are trial courts similar to appellate courts? What are their different functions? What types of cases does each court handle?

DIGGING IN

Option #1: Courts in the News Activity (20 minutes)

Divide students into small groups. Distribute different news articles about trials to students (or have them find articles) and ask them to complete the Courts in the News” worksheet together. Have one student from each group present what they learned about the case in question to the class.

Option #2: Courts in the Movies Activity (20 minutes)

Show a few clips of movies or TV shows that feature court cases. If needed, provide some background about the scene they are going to see. Hand out “Courts in the Movies” worksheet and have students complete as they watch the clips. Discuss the types of cases featured, how they are resolved, and whether or not the students agree with the outcome.

EXIT TICKET (2 minutes)

Have students write a benefit/drawback to Colorado’s court system.

EXTENSION ACTIVITIES

- Have students design a social media campaign to explain key elements of our judicial system. This would include: goals for the campaign (what do you want people to learn?) audience, key messages, communications tools (reels, videos, stories, posts) and channels.
- If you don’t have time for the reading, you could send it home and ask students to answer the questions posed in the warmup.

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Reading: The Colorado Judicial System



By Supreme Court Chief Justice Monica Márquez and Justice Carlos Samour

In the United States, the courts exist to peacefully resolve conflicts when people, companies, or governments cannot settle them privately. There are two main court systems in the United States: federal courts and state courts. More than 95 percent of cases are resolved by state courts. In general, state courts apply state law, while federal courts apply federal law.

Courts look at the facts of these disputes or “cases” and interpret and apply the law to resolve the disagreement. These cases can involve anything from crimes (misdemeanors or felonies), business disputes over contracts or property, personal injury lawsuits following an accident, family law matters such as divorce or custody disputes, or even cases to determine how much water a farmer is entitled to use on certain fields.

Colorado state courts resolve disputes through trial courts, the Colorado Court of Appeals and the Colorado Supreme Court. The Colorado Judicial Branch also includes probation offices in each of Colorado’s 23 judicial districts, and the State Court Administrator’s Office, which provides administrative support to the districts. Probation employees prepare assessments and pre-sentence information for the courts and supervise offenders who are sentenced to community programs.

The judicial system upholds the rule of law in many ways, such as holding trials to determine whether people accused of breaking the law are guilty, interpreting constitutional provisions and statutes, and holding trials in cases involving civil or personal rights. The multiple levels of our court system ensure people get to have their day in court. Courts safeguard rights that are enshrined in the U.S. and Colorado constitutions, such as the right to due process, trial by jury, speedy trial, and equal protection.

Need for an independent judiciary

Judges must be free from outside pressure or influence in order to make impartial and fair decisions based on the facts and the law. The judicial system has mechanisms in place to ensure this independence. For example, federal judges are nominated by the president of the United States and confirmed by the Senate for their lifetime to ensure they do not make decisions with future elections in mind. In Colorado, state court judges are nominated by bipartisan commissions that include lawyers and non-lawyers and then appointed by the governor of the state. Judges stand for retention every few years.

Colorado’s three-tiered judicial system

Colorado state courts, like federal courts, have three tiers: trial courts, the state court of appeals, and the state supreme court. Cases start in trial courts and are reviewed by the Colorado Court of Appeals. A very small percentage of cases (less than 10%) are reviewed again by the Colorado Supreme Court (at the court’s discretion). The Colorado Supreme Court is the highest court in the state. However, a party may seek review of a decision by the Colorado Supreme Court in the U.S. Supreme Court.

These tiers help to ensure that justice is done in each case. Here’s a more detailed look at how those tiers work in Colorado.

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Reading: The Colorado Judicial System



Trial Courts: District Courts, County Courts and Water Courts

In Colorado, almost all cases (both criminal and civil) are first heard by a judge or a jury either in a county court or a district court. Trial courts are the courts usually portrayed in movies and television. There, judges and juries listen to witnesses, review exhibits, and resolve issues of fact (for example, Was the light red when the car entered the intersection? Was the defendant the person who committed the crime?). They also apply the law to the facts they have found. This process results in a verdict or ruling in favor of one party and against the other.

In criminal cases, misdemeanor offenses are handled in county court, whereas felony offenses are handled in district court. County courts hear civil cases under a certain dollar amount; otherwise, civil cases start in district court. There are 64 counties in Colorado, and each county has a county court. Colorado currently has 140 county court judges who are appointed by the governor and retained by the Colorado voters for four-year terms. Colorado has 23 judicial districts, each with its own district court. There are currently 214 district court judges who are appointed by the governor and retained by the voters of Colorado for six-year terms.

In Colorado we also have water courts, which are a type of trial court that determines water rights. Water is a public resource. A water right is not a right to own water, but instead, is a right to use a certain amount of water for a specific purpose or “beneficial use,” such as for agriculture, industry, domestic, or municipal purposes. Unlike most trial courts, water courts do not rely on juries. There are seven water divisions across Colorado, which align with the main river basins of the state (South Platte, Arkansas, Rio Grande, Gunnison, Colorado, White, San Juan rivers). Each water division is staffed with a division engineer, appointed by the state engineer; a water judge (a district court judge who is appointed by the Chief Justice to serve as a water judge for the water division); a water referee, appointed by the water judge; and a water clerk, assigned by the district court.

There are other trial courts that are not part of the Colorado Judicial Branch, including administrative courts and municipal courts.

Appellate Courts

When a party is unhappy with the ruling from the trial court, they have the right to appeal that decision and have it reviewed at least once by an appellate court. Appellate courts do not have juries or take testimony. Instead, they review transcripts of the proceedings that happened in the trial court, read legal briefs filed by the parties, and sometimes hear Oral Arguments.

If the defendant is convicted in a criminal case, they can ask a higher court to review the judge’s decisions and rulings in their case, even if it was a jury trial. In a civil case, either party can appeal the judge’s decisions and rulings (again, even if it was a jury trial). A jury’s verdict is not usually appealable (either in criminal cases or in civil cases).

If the appellate court concludes that the trial court ruling was correct, the appellate court “affirms” the ruling of the trial court. If the appellate court concludes that the trial court ruling was wrong, and that the trial court error requires reversal, the appellate court “reverses” the trial court’s ruling. Sometimes, it requires the trial court to hold a new trial, or “remands” the case (sends it back to the

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Reading: The Colorado Judicial System (con't)



trial court) to hold another hearing or explain its decision in more detail.

Colorado Court of Appeals

The Colorado Court of Appeals is the state's largest intermediate appellate court. It hears appeals from district courts and administrative courts, and criminal and civil cases from across the state. The Court of Appeals has 22 judges who are appointed by the governor and retained by the voters of Colorado for eight-year terms. The court hears cases in three-judge divisions. The Chief Judge assigns cases to each division and rotates the division assignments three times per year.

Appeals from county court are filed in district court, but this is relatively rare. When such an appeal is brought, the district court acts as an appellate court. Any decision by the district court in its role as an appellate court may be appealed to the Colorado Supreme Court.

Colorado Supreme Court

If a party is unhappy with the ruling from the Court of Appeals, they can request review by the Colorado Supreme Court. These formal requests are called **petitions for certiorari**. This court is the "court of last resort" in Colorado, and with a few exceptions listed below, it has discretion to decide which cases it wants to hear (or to grant these petitions). The Supreme Court generally decides cases that are especially important to Coloradans. Like other appellate courts, the Supreme Court reviews transcripts of the trial proceedings and then determines what the law is or should be for that particular matter. Its decisions serve as guidance for the Court of Appeals and Trial Courts.

The Supreme Court is the first level of appellate court in cases related to water rights, the state's electricity and power supply, habeas corpus (in which a prisoner contends they are being wrongfully imprisoned), the Election Code and cases where a trial court in a pending criminal proceeding has ordered the suppression of key evidence (usually involving searches or seizures).

The Supreme Court has seven justices who are appointed by the governor and retained by the voters of Colorado for 10-year terms. The court sits together **en banc** as a group to hear cases. The Chief Justice is chosen by the other justices and serves as the executive head of the branch. The Chief Justice also appoints the chief judges in each judicial district and the Court of Appeals.

The Supreme Court oversees the legal profession in Colorado, including the licensing of attorneys and licensed legal paraprofessionals. It also oversees committees that propose amendments to rules of procedure that govern legal proceedings.

United States Supreme Court

If a person is unhappy with a decision of the Colorado Supreme Court, the only option is to appeal to the U.S. Supreme Court, which will only review issues involving a federal statute or the U.S. Constitution (it will not review the Colorado Supreme Court's ruling on Colorado state law or the Colorado Constitution). The U.S. Supreme Court accepts less than 1% of cases that seek its review. The cases the Supreme Court agrees to review tend to involve important federal issues. A ruling by the U.S. Supreme Court on a federal constitutional issue is the law of the entire United States. Although a state court can provide more protection under its own state constitution, it cannot provide less protection than that afforded by the federal constitution as interpreted by the U.S. Supreme Court.

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Handout: Courts in the News Activity



COURTS IN THE NEWS

News article title: _____

News source: _____

Author: _____

What kind of case is mentioned (domestic relations, criminal, civil)? _____

Give a one-sentence summary of the facts of the case. _____

Which court is hearing or heard this case (county, district, appellate)? _____

Is the case in the state courts or federal courts (if the article mentions "U.S. District Court" or "federal judge," it is a federal case, not a state case)?

Is the article stating facts, an opinion, or both? _____

If it states an opinion, what is the opinion? _____

Do you agree with the opinion stated? Why or why not? _____

Was a sentence proposed or given? Do you agree with the sentence? Why or why not?

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Worksheet: Courts in the Movies Activity



COURTS IN THE MOVIES

Movie	Type of Case (criminal, domestic, civil)	Court setting (State/Federal ? Jury trial?)	Facts of the Case	How resolved?

TIPS FOR DIVERSE LEARNERS



- Post key terms on the board or on the screen for students to revisit.
- Introduce key vocabulary the day before the lesson and review before teaching the content, either through a handout or a document you create using your school's virtual classroom tool.
- Consider having students make a drawing or sketch about the concepts being taught, which could be posted in the room to aid with learning. Prompt students to use these drawings and other visuals to remember vocabulary words or skills that have been taught.
- Combine students with varying learning abilities, interests, language proficiencies, or other skill strengths into groups of two or more for the reading activity to provide peer support throughout a lesson. You may want to alter the makeup of working groups according to the activity at hand, e.g. sometimes heterogeneous grouping is appropriate, where at other times, same-language or more homogenous groups may work best.
- Provide a T-chart or graphic organizer for note taking, or project one as you are teaching the content to help students track on the content.
- Allow students to demonstrate their knowledge through a range of options, such as written responses, presentations, projects or oral assessments.
- Empower students to share their thoughts and experiences about how the concept being taught has impacted Americans throughout history.
- Work with a partner or in a small group.
- Assign roles to students to help them in completing activities.
- Add pictures, photos or other visual aids to help explicitly teach skills.
- Try different discussion techniques, including jigsaw, fishbowl, or wrap around.

EDUCATIONAL RESOURCES



COLORADO JUDICIAL DEPARTMENT RESOURCES

Lesson Plans: coloradojudicial.gov/community-and-educational-resources/lesson-plans

Supreme Court or Court of Appeals tours: cjlccolorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center

Visit the Judicial Learning Center: cjlccolorado.gov

JUDICIAL DEPARTMENT INFORMATION

Colorado Supreme Court: coloradojudicial.gov/supreme-court

Colorado Court of Appeals: coloradojudicial.gov/court-appeals

Map of Colorado Judicial Districts: coloradojudicial.gov/colorado-judicial-district-map

Supreme Court Library: cjlccolorado.gov/colorado-supreme-court-library

OTHER EDUCATIONAL RESOURCES

Glossary of Legal Terms: uscourts.gov/glossary

Ben's Guide to the U.S. Government: bensguide.gpo.gov

Bill of Rights Institute: billofrightsinstitute.org

Center for Civic Education: civiced.org

Digital Civics Toolkit: digitalcivicstoolkit.org

iCivics: vision.icivics.org

Colorado Council for the Social Studies: coloradocouncilforthesocialstudies.org

Annenberg Guide to the Constitution: annenbergclassroom.org/constitution

Constitution Annotated: constitution.congress.gov

The Constitutional Sources Project (ConSource): consource.org

Teach Democracy: teachdemocracy.org/curriculum

The Rendell Center for Civics and Civic Education: rendellcenter.org