

2024 Suit Up for the Future High School Summer Legal Institute and Intern Program



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Objectives: (1) Civil Law vs Criminal Law; (2) Constitutional Drafting & 6th Amendment's Jury Protections; (3) Non-Unanimous vs. Unanimous vs Jury; (4) Alternatives to Litigation; (5) Those Left Behind; (6) Alternative Forms of Justice; and, (7) Application.

I. Civil vs Criminal

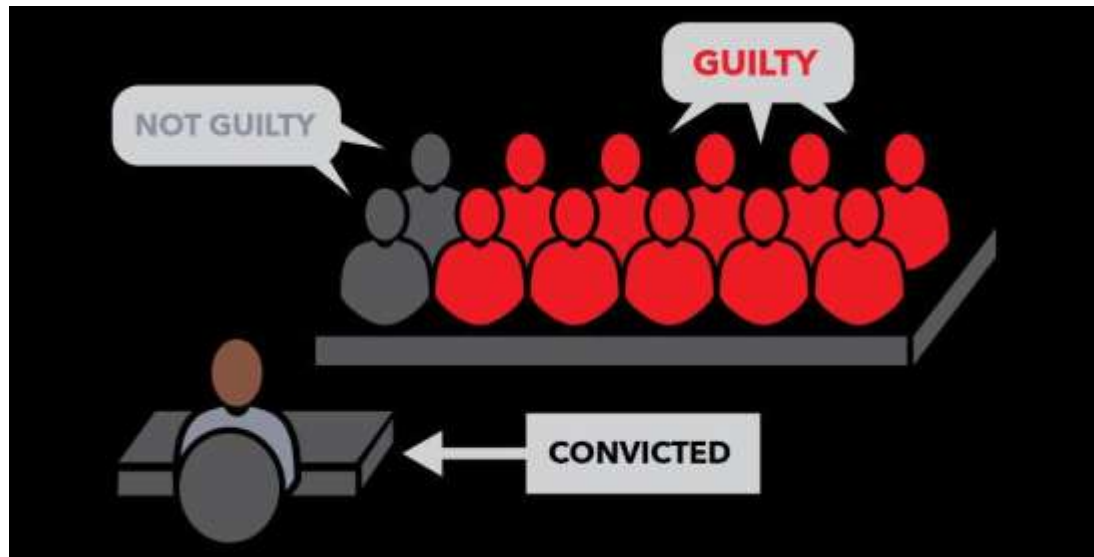
II. Constitutional Drafting & 6th Amendment's Jury Protections

6th Amendment to the United States Constitution:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.



III. Non-Unanimous vs. Unanimous vs Jury



1898 Louisiana Introduces
Non-Unanimous Juries

IV. Alternatives to Litigation:

-Litigating 6th Amendment Challenges

-Alternatives to/civil vs common Law

In 2018...



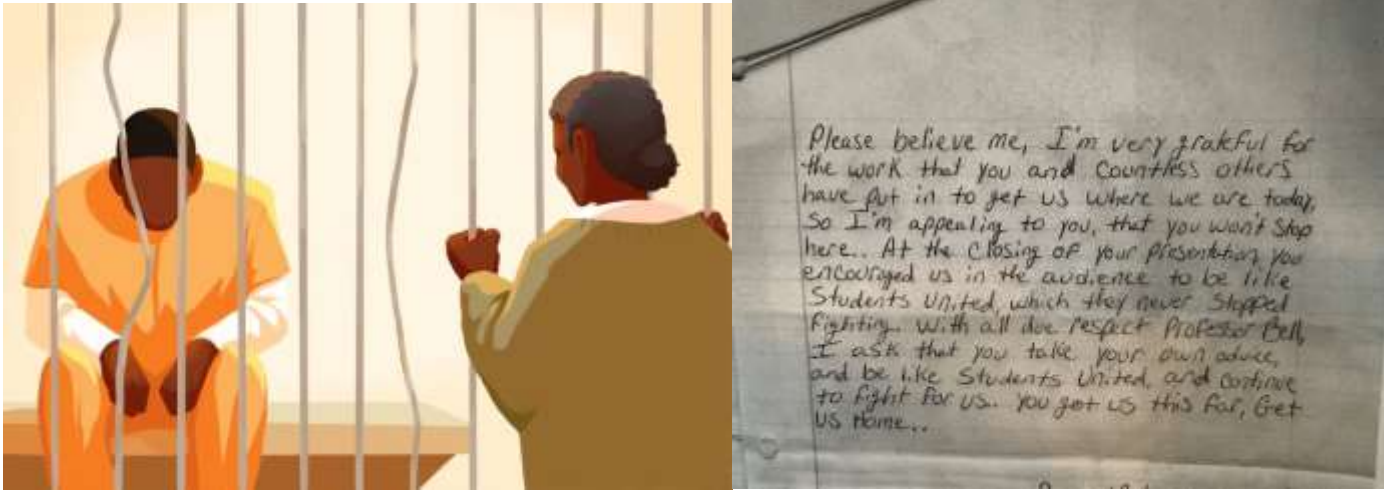


Watch Party Video Link:

[Ben Donnellon's Non Unanimous Jury Video \(youtube.com\)](https://www.youtube.com/watch?v=...)



V. Those Left Behind



Please believe me, I'm very grateful for the work that you and countless others have put in to get us where we are today. So I'm appealing to you, that you won't stop here.. At the closing of your presentation, you encouraged us in the audience to be like Students United, which they never stopped fighting. With all due respect Professor Bell, I ask that you take your own advice, and be like Students United, and continue to fight for us. You got us this far, Get us home..

VI. Alternative Forms of Justice

Retributive Justice:

- When an offender breaks the law, this theory requires that he or she suffer in return.
- Retributive justice is primarily concerned with punishment.

Restorative Justice:

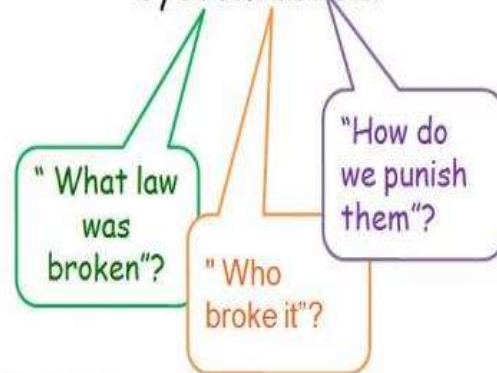
- A way of dealing with victims and offenders by focusing on the settlement of conflicts arising from crime and resolving the underlying problems which cause it. It is also, more widely, a way of dealing with crime generally in a rational problem-solving way. Central to RJ is the recognition of the community, rather than criminal justice agencies, as the prime site of crime control (Tony Marshall, author and researcher from Great Britain).

- Focuses on people and relationships. It involves looking at the harm caused by the incident: harm to the person(s) who were victimized; harm to the instigator/aggressor(s); and, harm to the larger community and asks “How can this harm be repaired?”

Restorative Justice



The Criminal Justice system asks...



In Restorative Justice, practitioners ask...



Transitional Justice (TJ)

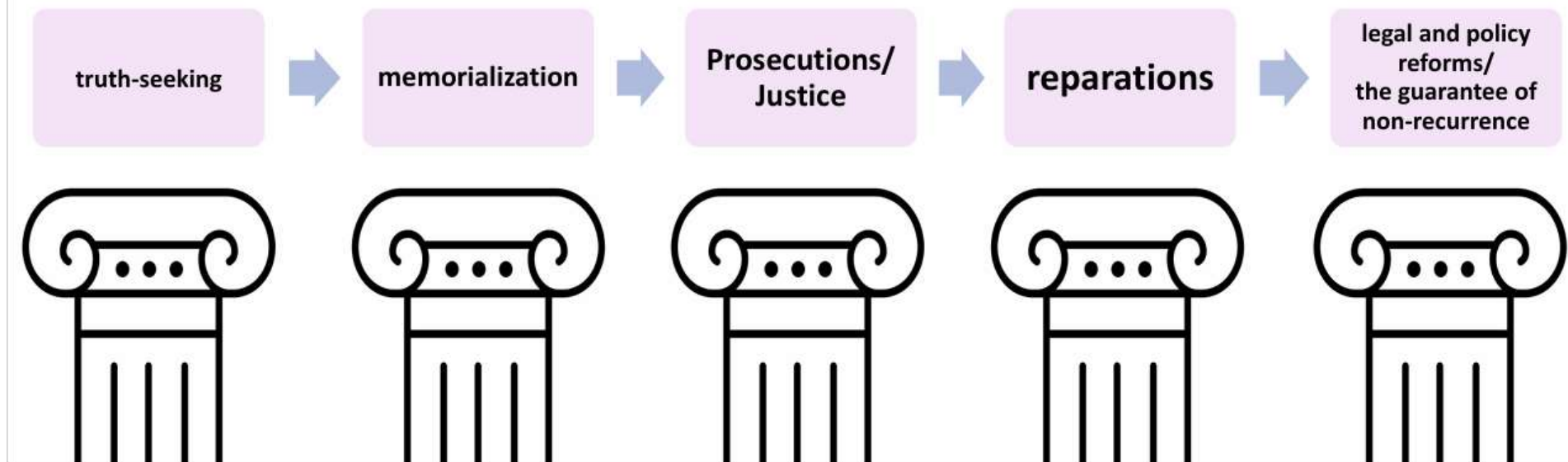
- TJ employs a “range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, enhance equity, inclusion and belonging, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law.”¹
- TJ originated in responses to some challenging questions: How should a society face the legacy of grave crimes against humanity? Should it punish perpetrators? Should it forget atrocities in order to favor reconciliation?
- TJ is an instrument for finding a middle point between full retributive justice and absolute impunity. TJ is about providing acknowledgement to victims and affected communities not just of their suffering but also of the fact that they were wronged. It contributes to restoring their dignity and to recognizing them as right holders and full and equal participants in society. TJ emerged as part of a recognition that dealing with systematic or massive abuses requires a distinctive approach that is both backward and forward looking; that dignify victims, but prevented similar victimhood in the future. The long-term goals of TJ measures are to promote peace, democracy and reconciliation, with the idea that these conditions help to prevent the systematic or massive violations of human rights.
- TJ must happen not only at an individual level, but at the level of social structures and institutional policies. This is normally applied when a jurisdiction is attempting to address the legacies of a violent past or collective trauma.

¹ Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, *Human Rights and Transitional Justice*, Rep. No. A/HRC/49/39, p. 2 (Jan. 12, 2022) (citing General Assembly resolution 67/1, para. 21; and S/2004/616, para. 8.), *available at* [G2200465.pdf \(un.org\)](#) (last visited May 19, 2022).

Transitional Justice

Aims to both redress legacies of atrocities and to promote long-term, sustainable peace.

Five Pillar Transitional Justice Model



VI. Application

-Beyond litigation and legislation, which form of justice will you use to assist those left behind?

-Exactly how will you do this?