February 13, 2012

Today I observed Judge Masland presiding over Juvenile Court. The case involved a foreign-exchange student from Afghanistan who had gone to the gym to hang out with some friends. During the course of his time at the gym he put his belongings in a locker, although he did not purchase a key for the locker, so none of his items were safely locked inside. When he came back to the locker he found all of his items missing, and was particularly dismayed to find that his IPod had gone missing – this IPod contained a journal of all of his experiences since coming to the United States, as well as photos he had taken. Later his wallet and other contents of his locker were discovered in the possession of an American boy, although the IPod remains to be found. The American boy was being sentenced on this particular day in court. Before sentencing, both the exchange student and his host-parent spoke about how distressing the experience had been for both of them. In short, the experience did not give the exchange student a positive view of American society. Also, the items such as photos and journal on his IPod were irreplaceable; the IPod had been a present from his parents before leaving for the US. The defendant received only a sentence of parole, which makes sense given it was a small offense. However, I found myself afterward thinking about how awful the experience must have been for the exchange student and his host family. I know what it’s like to be living in a foreign country where everyone else is speaking in a different language, and I know how vulnerable that can make you feel. This case is an interesting example of how a small infraction can have a variety of unforeseen ramifications. It must be difficult for a judge to decide how these ramifications should be taken into account during sentencing – is it the act or the outcome which the sentence should focus on?

February 16, 2012

Today I observed the jury trial of Jennifer Delaye v. PA Dept. of Transportation. This was a case of eminent domain where Delaye was suing the Department of Transportation for forcing her to relocate to an unsuitable facility for her catering business, after building a road through her former facility’s location. The main problem cited by Delaye’s counsel was a smaller area for parking spaces. Two expert witnesses testified – one for the plaintiff and one for the Dept. of Transportation – with conflicting views. I often find expert witness testimony difficult to follow, as do the jury members I’m sure. Often they spend too much time explaining an excessive number of intricate exhibits, instead of making their points clearly and concisely. This was also a problem I noted in the closing arguments. The Dept. of Transportation’s counsel went first in closing arguments and in my opinion gave the better closing argument. The argument was concise and well organized, and focused on the facts concerning the alleged values of the property. The plaintiff’s counsel, however, began well enough by communicating to the jurors the importance of their deciding in favor of the Constitutional rights of his client. He then began a long-winded metaphor, likening Delaye’s position to the mythological story involving the sword of Damocles. The jury clearly lost interest in his closing and later did in fact side with the Department of Transportation. This experience makes me realize how important the attorney is to the outcome of a case. Very often, the outcome has little to do with the facts of the case, and has more to do with the skill of an attorney to present a concise and clear argument, which the jurors can easily understand and relate to.

March 8, 2012

Today I observed a number of video arraignments. The video arraignments took place in a small courtroom on the fifth floor. Before today I didn’t even know video arraignments took place. They occur when a defendant is already being held in prison for another charge and is unable to come to the courthouse for arraignment. Apparently, this is also a cheaper method than transporting a prisoner for a short appearance before the judge. An arraignment simply consists of the judge taking the defendant’s plea of guilty or not-guilty, followed by the judge reading the defendants’ rights and procedures regarding petitioning for relief and for receiving discovery from the prosecution. These were not very exciting to observe, but it was interesting to note how this sort of video-conferencing technology is changing the course of everyday business in the courthouse.

April 19, 2012

Today I observed a civil jury trial involving the plaintiff seeking damages for injuries caused during a rear-end driving collision. The plaintiff, a nurse, sought medical attention sometime after the collision for muscles spasms and pain in her back and neck. She later required a surgery which necessitated about six weeks of recovery before she was able to go back to work. The plaintiff’s counsel focused on all that she suffered as a result of her injuries, including having to cut back hours at work, and physical limitations making her unable to care for her house, play with her grandchildren, and engage in all manner of enjoying various activities in which she had formerly participated. The defendant’s counsel countered the plaintiff’s allegations by bringing in an expert witness, who had examined the plaintiff’s medical records and believed that the plaintiff had suffered arthritic ailments prior to the car accident. The case essentially became a battle of the expert witnesses, and if I were the jury I’m not sure which one I would side with. The judge gave the jury a long order covering all that they had to decide including matters of law, as well as damages, and then sent them off to make their decision. I did not find out their decision today and will have to wait to see their verdict. I felt like this must be an extraordinarily difficult experience for the plaintiff especially, to have her future rest in the hands of twelve complete strangers. When you watch a courtroom drama on television, or in a film, the verdict doesn’t really matter. But today I was struck by how much this verdict actually matters to the plaintiff’s life. She had to spend an excessive amount on medical care and lost her job as a result of the surgery. Its days like today that make me glad I’m not the one sitting in the jury box.