

Simulations

Informal Hearings for Traffic Civil Infractions

Teacher
Resources



Michigan Supreme Court Learning Center

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Introduction

Simulations of court proceedings engage students in real-life situations that require higher-order thinking. Informal traffic hearings are court proceedings in which defendants represent themselves.

Grade Level & Curriculum Connections

This lesson plan can be used for middle school and high school students, provided they understand basic traffic laws.

There are several opportunities for reading non-fiction, writing, speaking, listening, and language. Excerpts from the Michigan Vehicle Code (traffic laws) and a manual used by legal professionals are included.

Social Studies

6 – P4.2.1, 7 – P4.2.1, 8 – P4.2.1, HS – 2.2.5, HS – 3.3.4, HS – 3.4.5, HS – 5.3.4, HS – 6.2.10

English Language Arts

CE 1.3.1, CE 1.3.2, CE 1.3.5, CE 1.3.6, CE 1.3.7, CE 1.3.8, CE 1.3.9, CE 1.5.1, CE 1.5.2, CE 1.5.3, CE 1.5.5, CE 2.1.1, CE 2.1.3, CE 2.1.4, CE 2.1.7, CE 2.1.10, CE 2.1.11, CE 2.2.2, CE 2.2.3, CE 2.3.1, CE 2.3.3, CE 2.3.4, CE 2.3.5, CE 4.1.1, CE 4.1.2, CE 4.1.3, CE 4.1.4, CE 4.2.1, CE 4.2.2

Sequence of Activities

Time Required

1-2 class periods, depending upon your students' knowledge of traffic laws.

Objectives

Students will:

- Read information from multiple sources about traffic violations and informal hearings. Determine the meaning of law-related terms through context and a glossary.
- Read and analyze a scripted informal hearing.
- Read and interpret excerpts from the Michigan Vehicle Code (traffic laws) and a manual used by legal professionals.
- Discuss their experience and how it relates to actual court proceedings.

Instructional Resources

- Handouts
- Pencils/pens
- Internet access for further readings (optional, but helpful)
- Props, such as judges' robes/gavels, police hats/badges (optional)

Sequence of Activities

1. Introduce the basics of state laws and traffic courts.
 - State courts handle matters related to state laws.
 - Most laws related to traffic safety and roadways are state laws.
 - In Michigan, traffic cases are handled by the district court, a trial court.
2. Find your local district court through the Trial Court Directory at <http://courts.mi.gov/Self-help/Directories/Pages/Trial-Court-Directory.aspx>. Most courts have a website to assist those with matters before the court. There may be a separate page for information about traffic matters.
3. Review basic traffic safety information to be sure students understand what is required of drivers. This is particularly important if students have not yet taken driver's education. A reading about traffic violations, an excerpt from the *Manual for District Court Magistrates*, and a glossary and matching exercise are found on pages 7–12.
4. Discuss what students learned from their readings and/or what they have heard about informal hearings. For more information see:

Manual for District Court Magistrates, Civil Infraction Traffic
<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>

Traffic Bench Book, Volume 1
<http://courts.mi.gov/education/mji/Publications/Documents/Traffic-vol-1-Civil-Infractions.pdf>

5. Distribute discussion worksheets, scripts, and excerpts from the Michigan Vehicle Code and the *Manual for District Court Magistrates* (pages 13–17). Each student will read one of the following roles:
 - Court (a judge or magistrate)
 - Bailiff
 - Police Officer
 - Defendant (driver)
6. After reading the script, each group should complete the discussion worksheet.
7. Reconvene as a large group to discuss the small groups' findings.

Technically, there is no correct answer to whether the driver is responsible, so students may argue either side. The plaintiff (city, village, township, or etc. issuing the citation) has the burden of proof; however, civil infractions require only a "preponderance of the evidence." This is much lower than in a criminal case. The plaintiff must only prove that it was more likely than not that the defendant violated the law.

- Who was more convincing? Why?
 - Drivers make many, many stops over time. Why was Mr./Ms. Nostop so convinced that he/she stopped fully at this stop sign?
 - How does the testimony about the bush factor into the situation? If Mr./Ms. Nostop could see the officer behind the bush, could the officer see the Escalade?
 - How do the excerpts from the Michigan Vehicle Code and the *Manual for District Court Magistrates* factor into the final decision?
7. Debrief the exercise. Questions may include:
 - What surprised you? What confirmed your assumptions?
 - How did the Court treat the two sides?
 - What did the Court say to help prepare the two sides?
 - How does this compare to a trial? (No jury, no lawyers, less formal.)
 - What advice would you give to someone going to an informal hearing?

Extension Activities

- Have students research and write a paper about traffic laws and/or traffic safety. The scope could be nationwide, statewide, or even a local study.
- Create an unscripted simulation involving a different traffic safety law. For a helpful outline see Section 6.3 of the *Manual for District Court Magistrates* <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>.
- Try other types of court simulations, such as mock trials and moot courts. A number of resources are available through the Michigan Supreme Court Learning Center at <http://courts.mi.gov/education/learning-center/curriculum-resources/pages/simulations.aspx>
- Visit your local district court to observe actual court proceedings. Teacher resources are available through the Learning Center's Curriculum Resources web page: <http://courts.mi.gov/education/learning-center/curriculum-resources/>.
- Discuss the importance of professional dress and demeanor when appearing before a court. Many trial courts list dress codes/expectations on their websites. Related lesson plans (Career Planning & Skills: Dress Codes & Professional Dress) are also available through the Learning Center's Curriculum Resources web page: <http://courts.mi.gov/education/learning-center/curriculum-resources/>.

Online Resources

Michigan Legislature

Michigan Compiled Laws Search

<http://www.legislature.mi.gov/>

Michigan Vehicle Code: Words and Phrases Defined (MCL 257.1)

<http://legislature.mi.gov/doc.aspx?mcl-300-1949-l>

Michigan State Police

Office of Highway Safety Planning

http://www.michigan.gov/msp/0,1607,7-123-1593_3504---,00.html

Free Traffic Safety Materials

http://www.michigan.gov/msp/0,1607,7-123-1593_3504_33018---,00.html

Michigan Traffic Crash Statistics

http://www.michigan.gov/msp/0,1607,7-123-1593_3504-17157--,00.html

Secretary of State

Online Ticket Payment System

http://www.michigan.gov/som/0,1607,7-192-29701_29703-84273--,00.html

Point System

http://www.michigan.gov/sos/0,1607,7-127-1627_8665_9066-23757--,00.html

What Every Driver Must Know

http://www.michigan.gov/documents/wedmk_16312_7.pdf

State Court Administrative Office

Manual for District Court Magistrates, Civil Infraction Traffic

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>

Self Help: Traffic and Non-Traffic Civil Infraction Matters

<http://courts.mi.gov/self-help/center/casetype/pages/infraction.aspx>

Traffic Bench Book, Volume 1

<http://courts.mi.gov/education/mji/Publications/Documents/Traffic-vol-1-Civil-Infractions.pdf>

Trial Court Directory

<http://courts.mi.gov/Self-help/Directories/Pages/Trial-Court-Directory.aspx>

Traffic Violations in Michigan

Matching Terms – Answer Key

Term	Definition
Admit responsibility	• "I didn't do it."
Civil case	• A non-criminal lawsuit.
Citation	• Something prohibited by law that does not rise to the level of being a crime.
Deny responsibility	• "I did it."
Civil infraction	• "I did it, but I have a reason."
Admit responsibility with explanation	• A traffic ticket.
Jurisdiction	• Broken safety equipment, such as a burned out taillight.
Informal hearing	• Traffic court proceeding without attorneys.
Formal hearing	• An instance of breaking the law.
Violation	• Court's authority to decide cases.
Defective equipment	• More likely than not; at least 51% of the evidence.
Preponderance of the evidence	• Traffic court proceeding similar to a trial but without a jury.
Prosecuting attorney	• An elected public official who enforces the law; represents "the People."
Magistrate	• An elected public official who makes decisions; interprets the law; sometimes called "the Court."
Judge	• The person against whom a lawsuit is started.
Plaintiff	• An appointed court official with limited powers; sometimes called "the Court."
Defendant	• The person or party bringing a case to court.

Traffic Violations in Michigan

Drivers must know and understand many traffic laws. Anyone who violates (breaks) a traffic law, may receive a ticket, known as a “citation.”

Many traffic violations in Michigan are “civil infractions.” That is, they are judged under civil law, not criminal law. Civil infractions include:

- Speeding.
- Careless driving.
- Defective equipment.
- Failure to wear a seatbelt.
- Disobeying traffic signals.



Drivers who receive a citation for a civil infraction must either “admit responsibility,” “admit responsibility with explanation,” or “deny responsibility.” The back side of a citation states the driver’s rights and explains how to respond.

District Court

Drivers who do not admit responsibility must go to the local district (or municipal court in a few locations) for a hearing. District courts have jurisdiction over most traffic violations.

Informal and Formal Hearings

Unless a driver asks for a formal hearing, an informal hearing will be held. An informal hearing involves a district court magistrate or judge, the defendant (driver), plaintiff (the city, village, township, or county represented by the police officer), and any witnesses. Neither a prosecuting attorney nor a defense attorney is involved.

Because informal hearings are civil proceedings, cases are decided on a “preponderance of the evidence.” The Court must find the driver responsible if it is more likely than not that the violation happened.

The decision in an informal hearing may be appealed to a formal hearing. These hearings are conducted by a judge and are much like a trial but without a jury.

More Resources

Self Help: Traffic and Non-Traffic Civil Infractions

<http://courts.mi.gov/self-help/center/casetype/pages/infraction.aspx>

Michigan Trial Courts and Trial Court Directory

<http://courts.mi.gov/courts/trialcourts/>

Manual for District Court Magistrates

(rev. 6/11)

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6.3.6 / Explanation About Informal Hearings

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6.3.6 Explanation About Informal Hearings

- **What is an informal hearing?**

An informal hearing is a court proceeding held to decide whether you committed and whether you are responsible for the traffic offense with which you were charged. It is your opportunity to defend yourself, to ask questions, and to have witnesses testify in your favor. The testimony is under oath but the hearing is much less formal than a trial.

- **How is the hearing different from a trial?**

The magistrate, rather than the district judge, usually presides over the hearing. Neither side may be represented by an attorney. There is no jury and no court reporter. The magistrate's decision will be based on a preponderance (a 51 to 49 percent majority) of the evidence, not on proof beyond a reasonable doubt. In general, the hearing will be less formal than a trial.

- **How do I defend myself at the hearing?**

You may testify on your own behalf, have witnesses testify on your behalf, and ask questions of the witnesses against you. It is expected that any questioning will be concise, courteous, and not argumentative. You should also present any documents or other physical evidence you might have that supports your case. Remember that the hearing is your "day in court," so come prepared. Have your defense and questions ready.

- **How do I get my witnesses to appear?**

You may ask witnesses to come voluntarily or, if necessary, you may use the subpoena power of the court. Subpoena forms may be obtained from the court clerk.

- **Must I pay witnesses for appearing?**

Yes, if you are ordering the witness to attend. Ask the court clerk for witness fee amounts.

- **May the citing officer bring witnesses?**

Yes.

- **What are the possible outcomes of the hearing?**

You may be found not responsible, responsible, or responsible for a lesser infraction than the one charged.

- **What happens if the citing officer fails to appear?**

If the officer does not appear, the case will be either adjourned (postponed) or dismissed

Manual for District Court Magistrates

“without prejudice,” which means a new citation can be issued by the officer for the same infraction.

- **What happens if I fail to appear?**

If you fail to appear, the court will enter a default judgment against you. This means the court will automatically find you responsible for the infraction charged, set the fine and costs, and mail you a judgment notice requiring you to pay. If you do not pay the judgment within 28 days, the court will send you a 14-day notice. If you do not pay within 14 days of receiving the notice, your driver’s license may be suspended by the Secretary of State and the court may issue a warrant for your arrest.

- **What are the penalties if I am found responsible?**

For most offenses, the maximum fine is \$100.00 or \$250.00 if operating a commercial motor vehicle. You must also pay court costs (not to exceed \$100.00) and other fees required by law. The magistrate may also require you to attend a program such as driving school if it is necessary to make you a safer driver.

- **What about violation points?**

Points are assessed by the Secretary of State’s office when it receives notice from the court that you committed a moving traffic offense. The magistrate who finds you responsible cannot adjust the number of points assessed against you.

- **Do I have a right to appeal?**

If you are found responsible by the magistrate after an informal hearing, you have the right to appeal for a formal hearing before the district judge. If the judge finds you responsible after a formal hearing, you have the right to appeal to circuit court.

- **How do I appeal the decision made at an informal hearing?**

Within seven days of the judgment, you must complete an appeal form and file it with the court, together with an appeal bond equal to the fine and costs imposed by the magistrate. You do not have to pay a filing fee for the appeal.

- **What if I have further questions about informal hearings?**

Ask any court employee. He or she will answer your question or find someone who can. There is one exception: a court employee cannot give you legal advice.

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>

Traffic Violations in Michigan

Matching Terms – Draw a line between the term and definition in each section.

Term	Definition
Admit responsibility	<ul style="list-style-type: none">• “I didn’t do it.”
Civil case	<ul style="list-style-type: none">• A non-criminal lawsuit.
Citation	<ul style="list-style-type: none">• Something prohibited by law that does not rise to the level of being a crime.
Deny responsibility	<ul style="list-style-type: none">• “I did it.”
Civil infraction	<ul style="list-style-type: none">• “I did it, but I have a reason.”
Admit responsibility with explanation	<ul style="list-style-type: none">• A traffic ticket.
Jurisdiction	<ul style="list-style-type: none">• Broken safety equipment, such as a burned out taillight.
Informal hearing	<ul style="list-style-type: none">• Traffic court proceeding without attorneys.
Formal hearing	<ul style="list-style-type: none">• An instance of breaking the law.
Preponderance of the evidence	<ul style="list-style-type: none">• Court’s authority to decide cases.
Violation	<ul style="list-style-type: none">• More likely than not; at least 51% of the evidence.
Defective equipment	<ul style="list-style-type: none">• Traffic court proceeding similar to a trial but without a jury.
Prosecuting attorney	<ul style="list-style-type: none">• An elected public official who enforces the law; represents the “People.”
Magistrate	<ul style="list-style-type: none">• An elected public official who makes decisions that interpret the law; sometimes called “the Court.”
Judge	<ul style="list-style-type: none">• The person against whom a lawsuit is started; sometimes called “the Court.”
Plaintiff	<ul style="list-style-type: none">• An appointed court official with limited powers.
Defendant	<ul style="list-style-type: none">• The person or party bringing a case to court.

Traffic Violations in Michigan

Glossary

Admit responsibility – “I did it.”

Admit responsibility with explanation – “I did it, but I have a reason.”

Alleged – Accusations not yet proven in a court of law.

Appeal – A request from a party involved in a case for review by a higher authority.

Citation – A traffic ticket that serves as a complaint in a case.

Civil case – A non-criminal lawsuit.

Civil infraction – “An act or omission prohibited by law which is not a crime . . . and for which civil sanctions may be ordered.” See MCL 257.6a. If a defendant is found responsible for a civil infraction, the court must order payment of a civil fine and costs. In addition to the civil fine and costs, the court may order the defendant to attend and complete a program of treatment, education, or rehabilitation. MCL 257.907(5).

Complaint – In a civil lawsuit, this is the first paper filed in a court. In it the plaintiff explains the reason for bringing the case to court.

Court – As used in the script, the term refers to the power of the court represented by the judge or magistrate who is presiding.

Defendant – The person against whom a lawsuit is started or who is accused of a crime. In traffic cases, the driver that received a citation.

Defense attorney – A lawyer who represents the defendant, attempting to get the best outcome for the client; the attorney helps to protect the defendant’s rights.

Deny responsibility – “I did not do it.”

District court – The trial court in Michigan that handles less serious crimes and civil matters of up to \$25,000. In one year, the district courts in Michigan hear 3 million to 4 million cases total. The majority are traffic matters.

Evidence – Testimony, documents, physical objects, or other things presented at a trial or court hearing for the purpose of proving or disproving facts relevant to a case.

Formal hearing – A hearing conducted by a district or municipal court judge under rules much like a trial but without a jury. A formal hearing is held when a defendant requests one, or when the decision of an informal hearing is appealed. Appeals from a formal hearing are heard in circuit court.

Informal hearing – A hearing conducted by a district or municipal court magistrate or judge involving the police officer, the defendant and any witnesses, held without a prosecutor or defense attorney. The decision may be appealed to a formal hearing. The Court decides on the “preponderance of the evidence.”

Judge – An elected public official who makes decisions in court proceedings. To be qualified as a judge for the Michigan courts, a person must be licensed to practice law in the state and have practiced for at least five years.

Jurisdiction – The court’s authority to decide cases.

MCL (Michigan Compiled Laws) – Laws of the State of Michigan. They are often cited in the style of the following example: MCL 257.1. The Michigan Legislature maintains an online version: <http://www.legislature.mi.gov/>.

Magistrate – An appointed official who has the authority to make decisions in particular types of court proceedings including civil infractions.

Michigan Vehicle Code – An act that includes the regulation of vehicles, drivers, use of streets and highways, automobile dealers, taxes and fees, and the powers and duties of certain state and local agencies. (See Act 300 of 1949 for a full description.)

Plaintiff – The side bringing the case.

Points – Each traffic violation has a point value, which is set by law in the Michigan Vehicle Code. Points placed on a driver record remain for two years from the date of conviction.

Preponderance of the evidence – The burden of proof in all civil cases, in which the evidence proves that the situation was more likely than not. This contrasts with the burden of proof in criminal cases, which is “beyond a reasonable doubt.”

Prosecuting attorney – An elected public official that enforces the law and represents the “People of the State of Michigan” in all criminal cases.

Testimony – The statement of a witness under oath given as evidence.

Trial court – A court on the first level of the court system. In Michigan, trial courts include district court, circuit court, and probate court. Almost all cases begin in a trial court.

Violation – An instance of breaking the law.

Informal Hearing

Disobeying a Stop Sign



Defendant name:

Plaintiff name:

Defendant is accused of:

On what facts do the plaintiff's and defendant's testimonies agree?

On what testimony do the plaintiff and defendant disagree?

What does the Michigan Vehicle Code (law) say?

State the question that the Court must answer:

Your decision and reasoning:

Informal Hearing

Disobeying a Stop Sign

MICHIGAN VEHICLE CODE (EXCERPT) Act 300 of 1949

257.671 . . . [S]top, yield, or merge signs; violation as civil infraction.

Sec. 671.

. . .

(2) Every stop, yield, or merge sign shall be reflectorized or illuminated at night. Every stop, yield, or merge sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

(3) A person who fails to obey a stop, yield, or merge sign erected pursuant to this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

Informal Hearing

Disobeying a Stop Sign

Use this information to help you decide. Be sure to read both sections carefully.

3. Excuses from Responsibility - The Defendant's Case

The defendant in a traffic case may escape responsibility if he or she can show that an element of the plaintiff's case is lacking. The following are some examples.

6.2 / Civil Infraction Traffic - Minimum Standards

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Adjudication / 6.2.5

b. Obscured Sign or Signal

A defendant cited for disobeying a traffic sign or signal may show that the sign or signal was obscured by rust or vegetation, or inoperative due to theft, vandalism, or mechanical failure. Requirements for proper sign posting are in the *Michigan Manual of Uniform Traffic Control Devices*, available from the Michigan Department of Transportation, Traffic and Safety Division, 425 West Ottawa, Lansing, Michigan 48909, 517-335-2625. The manual is also available from the Michigan Technological University by calling 906-487-2102, and available on-line at <http://mdotwas1.mdot.state.mi.us/public/tands/plans.cfm>.

3. Case Law

The Michigan appellate courts have made the following comments regarding some of the infractions listed in item 2 above.

- *Erdei v Beverage Distribution Co*, 42 Mich App 377, 380; 202 NW2d 434 (1972):

A driver who knows or should know that he is approaching a stop intersection may properly be charged with notice that he should stop before entering intersection even though stop sign may be down or for some reason is not showing.

From the *Manual for District Court Magistrates*, Civil Infraction Traffic
<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>

Informal Hearing

Disobeying a Stop Sign

BAILIFF: All rise.

COURT: Thank you, please be seated. Good morning. This is in the matter of the City of Lansing versus Mr./Ms. Chris Nostop, number 14-234. Are you Mr./Ms. Nostop?

MR./MS. NOSTOP: Yes.

COURT: Are you Officer Ruthless, and are you the citing officer in this case?

OFFICER: That is correct.

COURT: I am Magistrate Smith for this District Court. We are here for an informal hearing. As magistrate, I will preside over this hearing. Based on the evidence, testimony, and application of the appropriate law, I will make a decision. My decision will be a judgment of whether Mr./Ms. Cruiser is responsible or not responsible for the alleged civil infraction.

I will now describe the information hearing process. Officer Nomercy will testify first. When he is finished telling the court why he issued the citation, it will be Mr./Ms. Cruiser's opportunity to say what happened and offer any defense. During the hearing, I may ask either of you questions to understand the situation better. I will then make my judgment and determine whether Mr./Ms. Cruiser is responsible. Officer Nomercy or Mr./Ms. Cruiser, either of you may appeal my decision. If you appeal, you will appear before a judge in a formal hearing.

Are you both ready to proceed?

MR./MS. NOSTOP AND OFFICER RUTHLESS: Yes.

COURT: Mr./Ms. Nostop, you received a civil infraction on September 15 of this year at Pine and Spruce Street in the City of Lansing for "Disobeying a Stop Sign." You deny responsibility for the infraction, is that correct?

MR/MS. NOSTOP: The cop is wrong on this one your honor, I absolutely did stop.

COURT: Would the bailiff please swear in the parties?

BAILIFF: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

OFFICER: I do.

MR./MS. NOSTOP: I do.

COURT: Officer, please proceed with your testimony.

OFFICER: On September 15, I was sitting at the location of Pine and Spruce streets, observing the stop sign for violators. I had a good view of the intersection. I observed a black Cadillac Escalade approaching the stop sign at Pine Street. The vehicle slowed to approximately 10 miles per hour and proceeded through the stop sign without making a complete stop. I stopped the vehicle and identified the driver as Mr./Mrs. Nostop. I then issued a citation and released the driver.

COURT: Mr./Ms. Nostop, please go ahead with your defense.

MR./MS. NOSTOP: Your honor, I strongly disagree with this officer. I travel this route every day, sometimes two or three times a day. I am very aware that police officers sit at this location. I came to a COMPLETE stop before I proceeded. I even saw the officer sitting there, it would be foolish for me to not make a complete stop. I question the police officer's ability to make a good observation because there is a huge bush that the officer parks behind and his/her view of the intersection is blocked.

COURT: Officer, please describe your view of the intersection.

OFFICER: I agree that there is a bush at that corner, however, it does not block my view of approaching vehicles. I clearly saw Mr./Ms. Nostop approach and travel through the intersection without stopping.

COURT: Does either party have any further evidence to submit?

OFFICER: No, thank you.

MR./MS. NOSTOP: I know that I made a complete stop. That's all I can say.