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presents

Government, Choices, & You



U.S. Courts, Laws, & Rights

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With support from these donors, other organizations, and individuals, Project REAL is able to provide our resources at no cost to tens of thousands of Nevadans each year.

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This book is inspired by and partially adapted from '*Play By the Rules: A Guide to 200 Nevadan Laws*', That publication was originally created by the Alabama Center for Civic Education in partnership with Project REAL in 2004, and then printed and produced by Project REAL with their permission from 2004 - 2018.

Nearly 100,000 students have better lives today because of the work *Play By the Rules* helped us achieve, and so we would like to thank everyone who helped make that resource such a significant success in Nevada for nearly 15 years.

Government, Choices, & You is what comes next,
and we can't wait to see what happens!

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About Project REAL

Project REAL reduces crime, protects students’ futures, and makes Nevada safer for everyone by engaging them in conversations about laws and the consequences of breaking them, and their Constitutional rights and how to exercise them.

Justice is rooted in knowledge, and our work brings more fairness and justice into the lives of the students we reach. We ensure that all of our resources are available at no cost to the schools, organizations, and families who wish to use them.

Project REAL helps the students of Nevada to become the greatest versions of themselves with respect for the law through unique activities and educational resources that engage them in critical thinking about citizenship, selfless action, democracy, and the law.

Our program helps to ensure that Nevada is populated by residents who respect the law, contribute to their community, and work to create a world they are proud to call home. By fostering actions of mutual respect and selflessness, and by encouraging commitments to local communities, we contribute to a safer Nevada for us all.

Legacies

This book – and the many other **Project REAL** activities and publications that have preceded it – would not have been possible were it not for the vision, generous support, and championing of Irwin Molasky and **Project REAL**’s other founders.

Since 2004, **Project REAL** has been teaching the students of Nevada about the law and their rights. **Project REAL** was founded to ensure that the young residents of Nevada have consistent access to informative and empowering law related education. Because of **Project REAL**, Nevada’s students are and shall remain safer, wiser, and more informed members of the communities they live in.

About This Book & How You Should Treat It

The book you hold in your hands has been provided to your school by **Project REAL**, a nonprofit organization that serves the students of Nevada. Where most companies exist to make money, nonprofits work to spend money in ways that make the world a better place. The money to do this kind of work comes from donations made by companies, government agencies, and people just like you.

Since we are a nonprofit, we provide these books at no cost to anyone in Nevada who requests them, when we have them in stock and are able to provide them. We are happy to do that – it’s why we exist as a nonprofit - but that also means we can only print and distribute a limited amount of books each year based on the donations we receive. Given that, we *hope* you will treat this book carefully and with respect while it is in your possession.

Even though this guide has been donated to a school or community organization, you can get your own free copy!

Free digital versions of this guide and access to other resources are available on our website and in our mobile app that can be downloaded from Google Play and iTunes.



bit.ly/realandroid



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About These Lessons

Government, Choices, & You has been designed to help you understand scenarios in which you and other students your age (around 10 – 15 years old) might think the biggest risk you're taking is getting grounded or detention, when you're taking risks that could get you arrested or lead to other serious criminal consequences.

This isn't just a book-length lecture or a list of laws you need to learn. In fact, it isn't that at all! Even if you pay more attention than anyone else in your class, we're not expecting you to memorize the more than 200 laws in this guide (let alone the consequences of breaking them). Instead, this guide has been designed to help you avoid 'accidental crimes' by teaching you to 'think within the law'.

This also isn't just about teaching you about laws you might end up breaking – knowingly or accidentally. It's also about teaching you about laws that protect you from others, and that help give you control over your own life, safety, and happiness. Like the criminal laws that will be explained though, we won't be giving you a list to memorize. Instead, if you pay attention, you'll learn how to find the help you need when you suspect the law is on your side (without just assuming you know there's a law that helps you in a way that actually causes you more trouble than you were in before).

Students, Parents, & Guardians: This Is Not Legal Advice

The information in this book is not intended as legal advice. **No legal advice is being given.** If you are facing legal issues, whether criminal or civil, seek professional legal counsel to get your question answered. This book is not a replacement for legal advice. Instead, *Government, Choices, & You* is designed to be a first step as adolescent readers develop an understanding of just how American Law will shape their choices and outcomes on a 24-hours 7-days-a-week rest-of-their-lives basis. Rather than serving as an index of laws and a guide to applying them, this guide can aid the reader in understanding how laws might apply to many different situations they may encounter while living their day-to-day lives.

To be 100% clear: If you ever find yourself in a situation where your life is intersecting with the law, we highly encourage you to seek the advice and services of a licensed and practicing attorney.

You should also keep in mind that laws are ever-changing. Consider how you are taught from an early age that The United States Constitution is a living document. Laws work similarly and each year many new laws are created while some existing laws are repealed. Given the ever-changing landscape of laws in the United States, we highly suggest that you contact an attorney if you ever find yourself with questions related to the law.

Project REAL's staff and volunteers worked extensively to research the book you hold in your hands. We have ensured that the information provided herein is accurate, true, and up-to-date at the time of publication (with this edition's publication occurring in September 2022). While the book will introduce you to key concepts, rights, responsibilities, and laws which you are likely to encounter throughout your life, it is neither an encyclopedia nor a replacement for sound legal advice. This is a starting point meant to empower you, however the laws which are referred to in this book may be different based on where you live and when you are reading the material. It was also written with Nevada's laws in mind. Whether you're from another state or moving away, laws can be different depending where you live, especially when it comes to issues like immigration, technology, civil law, and gun rights. Should you find yourself living outside of Nevada, be sure to familiarize yourself with local laws and statutes as they may be different from the ones detailed in this manual.

On a final note, we are committed to maintaining this guide with up-to-date information. We will update the digital version of this text regularly as the laws continue to change. You can always download the most up-to-date version we have available from our website. On our site, we've dedicated a page specific to this guide where you'll find the digital copy. Once there, you'll also be able to access a number of other links & resources you may find helpful. That page, and all the resources it contains, can be found here:

ProjectRealNV.org/choices

CHAPTER 3

Laws, Courts, & Rights in the United States of America

Now that we've gone over some of the basics of criminal and civil law, let's dive in and work to understand how laws shape our daily lives, and the systems that exist to make sure laws are tools for shaping our lives, rather than more than just words and suggestions.

All societies have sets of rules that all of the people living in them are expected to follow. These rules of society are law. Laws serve people – they are created to help the society they govern continue to exist in a way that the people in charge of that society think it should be.

*The Rule of Law is the idea that all people are equally **accountable** to the law. This means that everyone has the same responsibility to follow the law, and everyone is treated the same when it comes to justice being served within the legal system.*

It is really easy to think of the law as just something that tells you what you cannot do, but you've already learned that there's more to law than just criminal law. Some laws exist not to say that you are allowed to do things - remember, laws don't give permission – but to protect things you are already allowed to do. When we talk about rights, these are what we are talking about.

***Rights** are things you are allowed to do and have and situations that you are allowed to be in that are specifically protected by laws.*

This chapter covers things you should know about the way the government creates and enforces laws, as well as your legal rights.

The Legal System

With so many laws, which one was first? How do you decide how laws will work? Can anything be a law? Can some things not be controlled by laws? These are questions that every society has to deal with, and they're questions that the United States of America answered with The Constitution.

HOW LAWS EXIST & WORK

The **legal system** is a collection of our laws and the people that enforce those laws. The legal system exists in order to reduce conflict and promote fairness. It does that work by making sure laws have power, and are more than just words or suggestions.

The legal system is part of what we call **government** – a system that has power and authority that is used to help a society run and continue to exist for the benefit of the people it was designed to serve. Understanding the way this system works is part of knowing about your rights and the best way to exercise them.

The United States government (the **federal government**) is split into three units called branches. Each branch does a different job: One leads and makes decisions, one makes laws and decides how the country should be run, and one exists just to deal with the laws of the country.

The **legislative branch** is what we refer to as **Congress**—a group of people who were voted into jobs to represent the interests of Americans. Congress is split into two parts: the **House of Representatives** and the **Senate**. Federal laws, laws that apply to everyone in the U.S. are written by Congress.

The **executive branch** of the United States is led by the President of the United States, and is responsible for making sure federal laws are followed. The **Department of Justice** is a special part of the executive branch that handles all the branch's law enforcement responsibilities.

The final branch of the United States federal government is the **judicial branch**. This is the nation's system of courts, starting at the highest level with the Supreme Court. One of the responsibilities of the judicial branch is to study and make decisions about how the laws are working and whether they are **constitutional** (in agreement with the Constitution). The judicial branch evaluates and applies the law.

When it comes to the three branches of government:

The legislative branch creates laws,
The executive branch enforces laws, and
The judicial branch answers questions about any laws.*

**These questions can include whether a law was broken (a criminal law question), who was responsible for a problem according to the law (a civil law question), or which law stands if two laws say two different things about the same subject (a question that could be all kinds of advanced legal ideas including precedent, case law, or constitutional law). Those advanced legal ideas that are important, but the kinds of things for lawyers to worry about for your Government, Choices, & You experience.*



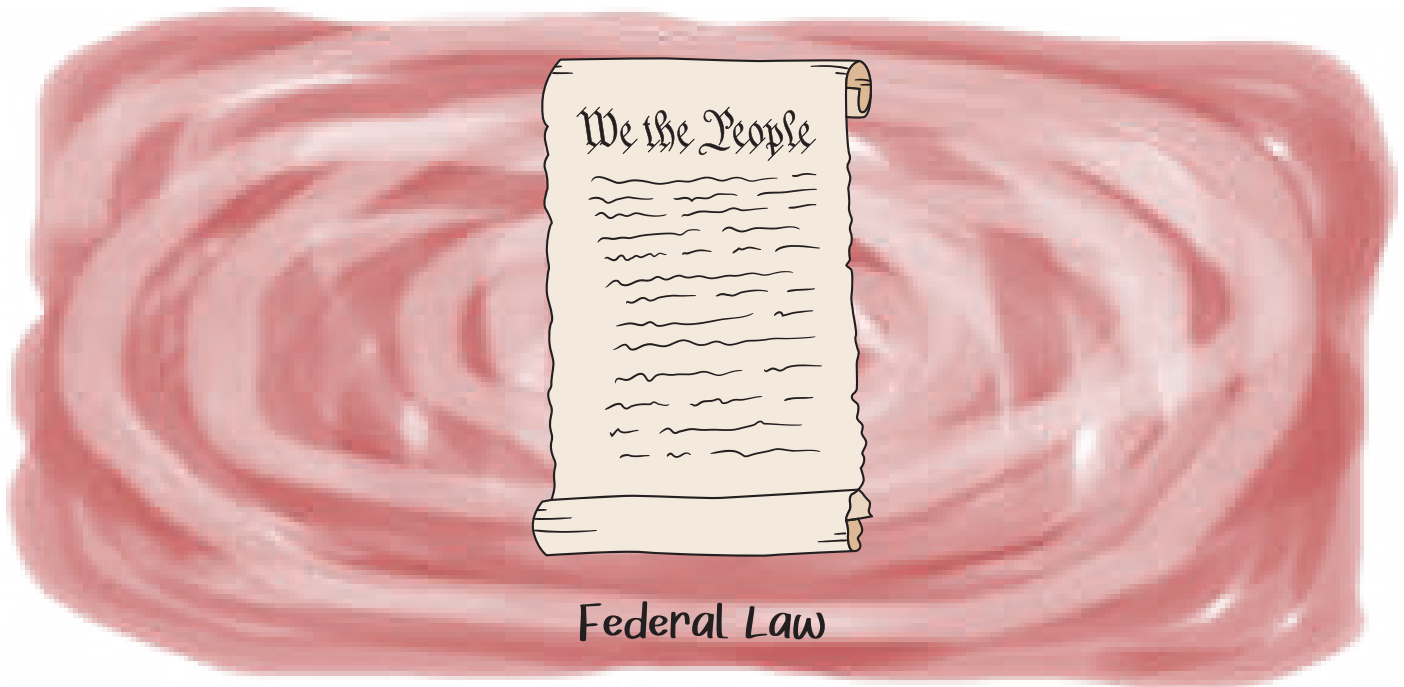
Congress



White House



Supreme Court



THE LAWS OF THE NATION

The government creates laws and makes sure they're enforced, but the power to do that needs to come from somewhere, and it had to get started somehow. This is why the **United States Constitution** is so important.

Drafted in 1787, The U.S. Constitution was an agreement between leaders of what became the United States of America. The agreement was about how the country would be run, who would run it, and what the most basic laws of the country. The **Bill of Rights** was passed shortly after that. This was a collection of 10 additional ideas that were added to improve the U.S. Constitution by adding in a few more early laws.

Since those 10 ideas slightly changed how the Constitution would work after it had been signed, they are **amendments**, which are changes to an already-agree-upon contract that are accepted as 'true' and having power by everyone who originally agreed to the contract.

If you were building a house, the first thing you would do is flatten the land it was going to be on, and build something to keep it flat called a foundation. All the wood, window, pipes, wires, walls, and everything else that make a house need a foundation, or else the house would just collapse – the foundation is a starting point upon which everything else is built on top of.

Just like a building foundation is what a house is built on, the U.S. Constitution and the Bill of Rights are the foundation for the laws of the United States of America.

The Constitution and the Bill of Rights outline the way our government is supposed to work and the rights that belong to all American citizens. Those rights include the freedoms of speech and religion expressed in the First Amendment.

This design is meant to keep power equal between the three branches of government so that no one branch holds too much power. We call this balance a **system of checks and balances**.

The United States Code contains all of the federal laws that apply to the American public. It works as a record of when laws change, too.

While the U.S. Constitution and the U.S. Code are collections of federal laws, each individual state has their own sets of laws, too. These are recorded in state constitutions.



Nevada State Law

STATE LAWS & CONSTITUTIONS

State governments also have branches of government that work similarly to the federal government structure, with the governor acting as the head of the state executive branch. In Nevada, the legislative branch has two parts, the Assembly, and the State Senate; the Supreme Court of Nevada functions as the judicial branch of the state government.

While federal law applies to everyone in the United States, state laws like those in Nevada can only be enforced within the state where they have been passed. The Nevada law code is collected into the Nevada Revised Statutes.

So federal laws apply to everyone in the country and state laws apply to everyone in that state, and that must be all, right? Actually, no. There are some laws that are specific to the city or county that you live in, too. These are called **ordinances**.

Within both federal and state law codes, there are laws that define crimes and the penalties for committing them. We call this body of laws **criminal law**. On the other hand, laws that outline responsibilities people have toward each other is a body of law we call **civil law**.

Laws are complex, and they change along with society. It's important to understand that laws have more than one purpose. Yes, they tell you what kinds of things you're not supposed to do. They also describe things that you should be doing as part of your community, and they outline the rights and freedoms that are guaranteed to you as a citizen of the country and the state where you live.

The legal system exists to protect people's rights and ensure that everyone is treated fairly under the law. Understanding the way this system works is part of knowing about your rights and the best way to exercise them.

DUE PROCESS, FAIRNESS, & YOU

In the United States, you have certain rights that cannot be violated. The collection of these rights is your right to due process of law. **Due process of law** is the responsibility of the legal system to treat everyone equally (it's also just referred to as due process). It is one of the most important tools for maintaining fairness in the United States legal system.

One of those rights includes the chance to defend yourself from accusations, meaning you have a right to go to court to defend yourself if you are accused of a crime or of being responsible for some civil law claim against you.

Another guarantee under your rights to due process is that you cannot be forced to give up your right to go to court. In other words, if someone physically harms you or threatens to physically harm you in order to get you to confess to a crime, not only will you still be able to go to court to defend yourself, but the confession you were forced to give will not be allowed to be used against you during your court case.

Due process is a right protected by the United States Constitution. There are several amendments to the Constitution that clarify how due process works.

The idea of treating everyone the same under the law sounds simple enough, but things can get confusing very quickly.

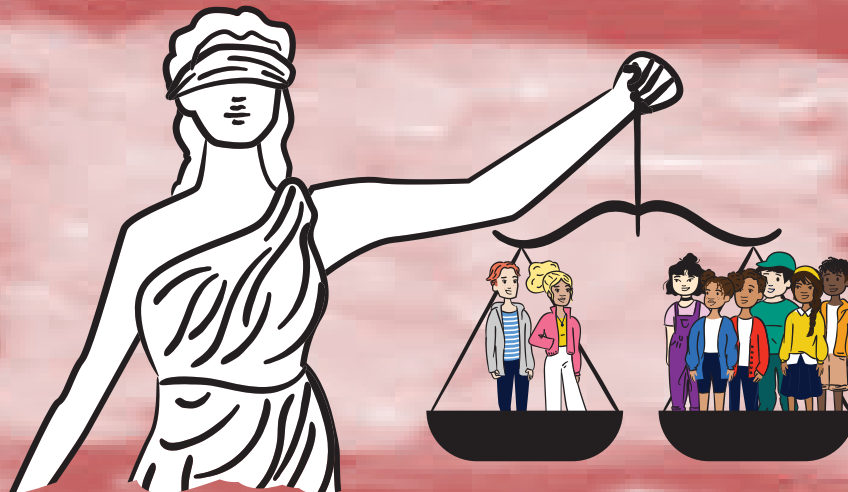
If you were wrongly accused of doing something criminal, you would want to avoid getting in trouble. If you were treated differently by the courts because you were a suspect though, your situation would become unfair. Imagine this:

While you're visiting family members in California, a robbery is committed in Nevada. In security footage of that robbery, the robber looks exactly like you. Based on the video, the police decide you are guilty, so they find you and send you to straight to prison for five years.

The video might be great evidence, but you weren't even in the same city as the robbery when it took place! You would have been able to prove it if the law enforcement officers had given you the chance.

That example would only happen if you didn't have the right to due process of law. If there had been due process in that situation, you could have presented video that showed you at the airport in California at the time of the robbery, a witness who sat and spoke with you on the airplane, and you could have even asked the investigators to compare your fingerprints to any prints that had been found at the crime scene.

Due process makes sure that no matter how guilty you might appear, you are treated the same as any other suspect or defendant.



The Courts

In order to guarantee that laws are enforced fairly, the United States has a complex system of courts. There are federal, state, and local courts that hear cases and then determine outcomes. In criminal cases, the courts determine if prosecutors have proven defendants' guilt beyond a reasonable doubt, and appropriate penalties for laws that have been broken if guilt-beyond-a-reasonable-doubt is established. In civil cases, courts determine if one side of a case is responsible for harming the other.

COURTS AND THEIR DIFFERENCES

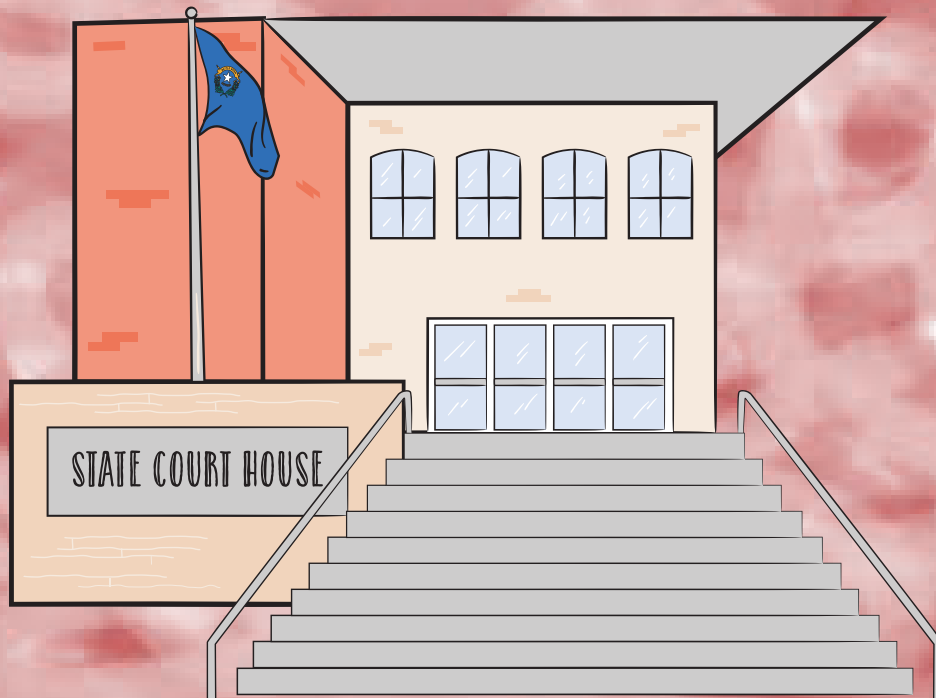
Federal courts deal with federal laws, and state courts deal with state laws. State and federal courts may have different laws to deal with, but they both work in similar ways.

In both systems, some problem is brought to the court, and the court decides how that problem should be addressed.

If a person charged with a crime wants to argue with the verdict, they can **appeal** the case, filing an official challenge to the court's decision. If a person loses their civil case, they can appeal the decision and ask another court to reconsider the case and how it was decided.

Legal issues under federal laws are handled in a federal court called a U.S. District Court. On the federal level, cases that have been appealed go to the U.S. Circuit Court of Appeals specific to the region (Nevada is in the Ninth Circuit). Cases appealed from this court end up in front of the Supreme Court: the final authority in the United States federal justice system.

State courts systems work similarly, but each state has their own system with their own process. In Nevada, cases can be appealed to the Supreme Court of Nevada. Similar to the federal Supreme Court, it exists to interpret the law and how it is being applied to a situation.





COURTROOM ROLES & FUNCTIONS

Courts exist to reduce conflict and promote justice. The judicial system is complex, it takes many different experts and individuals to run smoothly. If you've ever seen a courtroom trial on the news or in a movie or television drama, you're probably familiar with what a judge does. The really short version is that judges run the courtroom to ensure court cases are handled fairly.

The Sixth Amendment to the United States Constitution guarantees that citizens accused of violations of criminal law the right to a trial by an impartial jury. A jury is a group of people that are chosen at random to listen to a trial and make a decision about which laws have or haven't been broken.

The right to a trial by an impartial jury (**impartial** means fair) applies to anyone facing a criminal trial at the federal or state level. The Seventh Amendment establishes the right to a jury trial for civil cases at the federal level.

When you turn 18, you are eligible to serve on a jury. If you are randomly chosen, you will receive a jury summons, which is an official notice sent through the mail explaining when and where you need to show up for **jury duty**: the act of being part of a jury. Jury duty is a responsibility that every American has a duty to perform once they reach the age of adulthood.



HOW COURTS ARE LIKE SPORTS

Think of court as a storytelling sport. In every court case there are two versions of a story. The winning team will be the team whose story is found to be the ‘true’ version of events.

There are many different rules to how each side can tell their story, which can make court really confusing. That’s why it helps each team to have someone that can coach them during the trial. The coaches in court – the people responsible for coming up with the strategy to play the best game while following rules – are the lawyers.

Lawyers are professionals who study laws and how they work, so that they can help the side they are ‘coaching’ win their court cases by telling the best story.

Of course, it’s players who win or lose the game – not the coaches. In court, the players are **parties** – the people whose stories are being told. The lawyers get to go home at the end of the trial, but it’s the players who really win or lose the case: they’re the ones who deal with the consequences of the win or the loss.

Of course, most sports also need a referee to enforce the rules and make sure both teams have a fair chance of winning within those rules. They’re also needed to decide who’s right if one team says a rule was broken by the other team, and the other team denies it. In court, that’s the job of a judge. A **judge** is a person whose job is to make sure that all of the rules of court are followed and enforced. Judges have a lot of experience studying and applying the law to different situations.

Most games have equipment, and in trials, the equipment used to support the stories being told is called **evidence**. There are two types of evidence in court: exhibits and testimony.

Exhibits are any kind of record or item that is presented to support a story. A knife used to threaten a store owner is one type of exhibit, and a report comparing a defendant’s fingerprints to fingerprints found on that knife would be another type of exhibit. **Testimony** is information provided to the court by witnesses.

Witnesses are people who respond to questions about the court case being decided. Before speaking to the court, witnesses must swear to tell the truth. Lying while under oath in a courtroom is a crime called **perjury** and it is a Category D felony. If you are called to be a witness in a trial, you must participate. Refusing can land you into your own legal trouble.

The last part of this comparison between courts and sports is the scorecard. In trials, the final score comes from the jury. A **jury** is a group of people that have no ties to either of the ‘teams’ in the court case. They decide which side’s story is more believable – in other words, who wins the case and who loses. In cases where there are so many laws that a case might be too confusing for a jury, both parties can agree to have a judge also serve as a jury. That kind of case is called a **bench trial**.

LEARNING MORE ABOUT LAWYERS

Let's revisit the idea of lawyers (they're also called **attorneys**). These are members of the justice system that argue cases in a courtroom. Lawyers spend a lot of time in school studying the law and must pass a test called the bar exam before they are allowed to practice law in a courtroom.

In every court case there are two sides. In a criminal case, the party that's been accused of a crime is the **defendant**. The defendant's lawyer makes a case for the person on trial. The prosecutor argues on the side of the government.

In a civil case, the defendant is the person that is being sued for a civil infraction. The person that files the lawsuit is called the **plaintiff**. The plaintiff is usually suing the defendant for an amount of money they believe is owed to them.

In criminal cases, lawyers fall into two categories. Those that defend individuals accused of criminal activity are called **defense attorneys**. Defense attorneys use evidence to convince the jury that the defendant is not guilty of the crime.

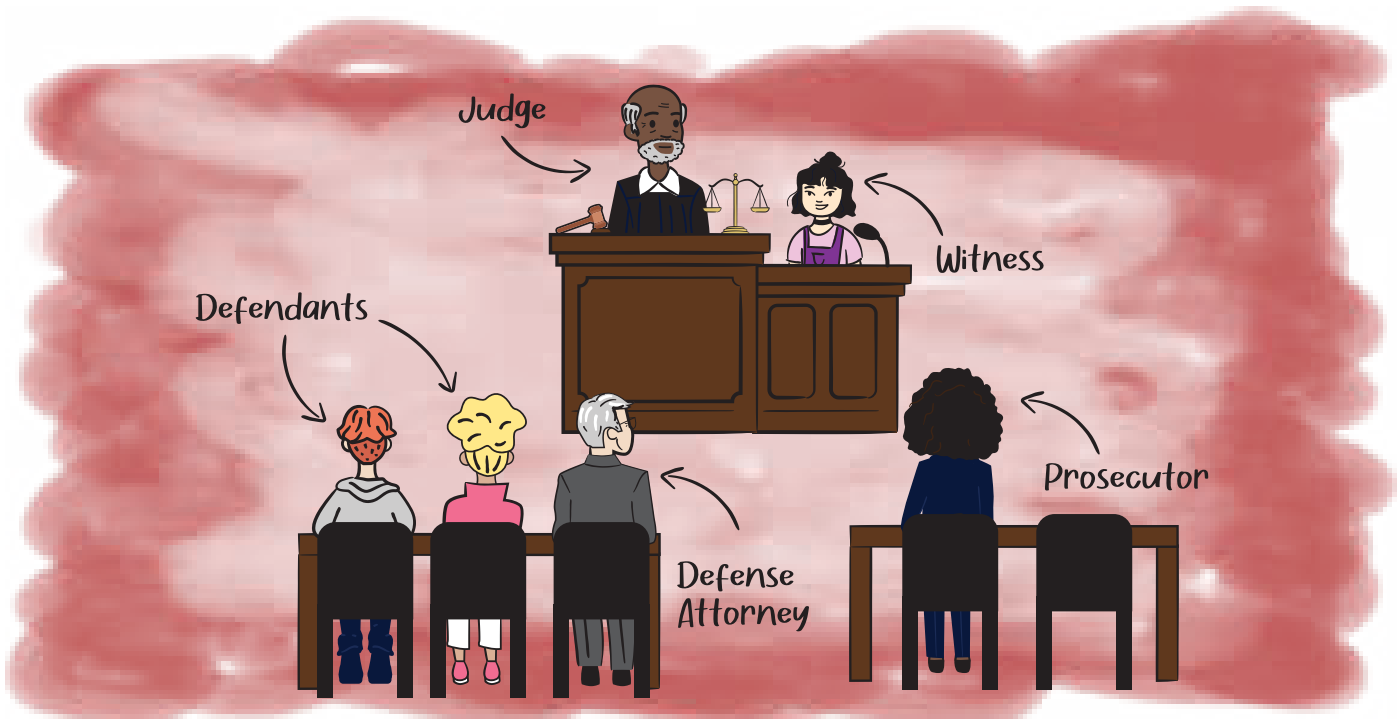
Prosecuting attorneys, on the other hand, argue for the side of the state or the federal government. They use evidence to convince the jury that the defendant is guilty.

Prosecuting attorneys are also known as District Attorneys (at the state level) or U.S. Attorneys (at the federal level). District Attorneys are elected by the people, and U.S. Attorneys are appointed by the President. Federal and state governments also have a position called the Attorney General. The Attorney General works as a sort of advisor for the executive branch of the government.

In criminal cases you are guaranteed the right to a lawyer, even if you cannot afford one. If you find yourself in this situation, the court will provide you with an attorney. This kind of lawyer is called a **public defender**, and you won't be charged a fee for their services.

In a civil case, you don't have the same constitutional right to legal help as you do in a criminal case. There are some services you might be able to get for free, though. Legal Aid offices and other resources exist to provide assistance in these situations.

People hire lawyers for a lot of reasons, not just because they are in trouble. Lawyers can help with all sorts of situations that can be tricky, from buying a house to creating a will. Of course, there are times when you absolutely need a lawyer. The law is complex, and if you wind up on the wrong side of it, you will want the help of an experienced attorney.



Your Legal Rights

As a citizen of the United States, you are entitled to certain rights even if you have been accused of a crime. The laws laid out in the United States Constitution and in individual state law codes guarantee some protections to people that find themselves navigating the legal system. Knowing what these rights are is very important.

KNOW YOUR RIGHTS

Individuals over the age of 18 who have been accused of a crime are considered adults, and adults accused of a crime are entitled to the following:

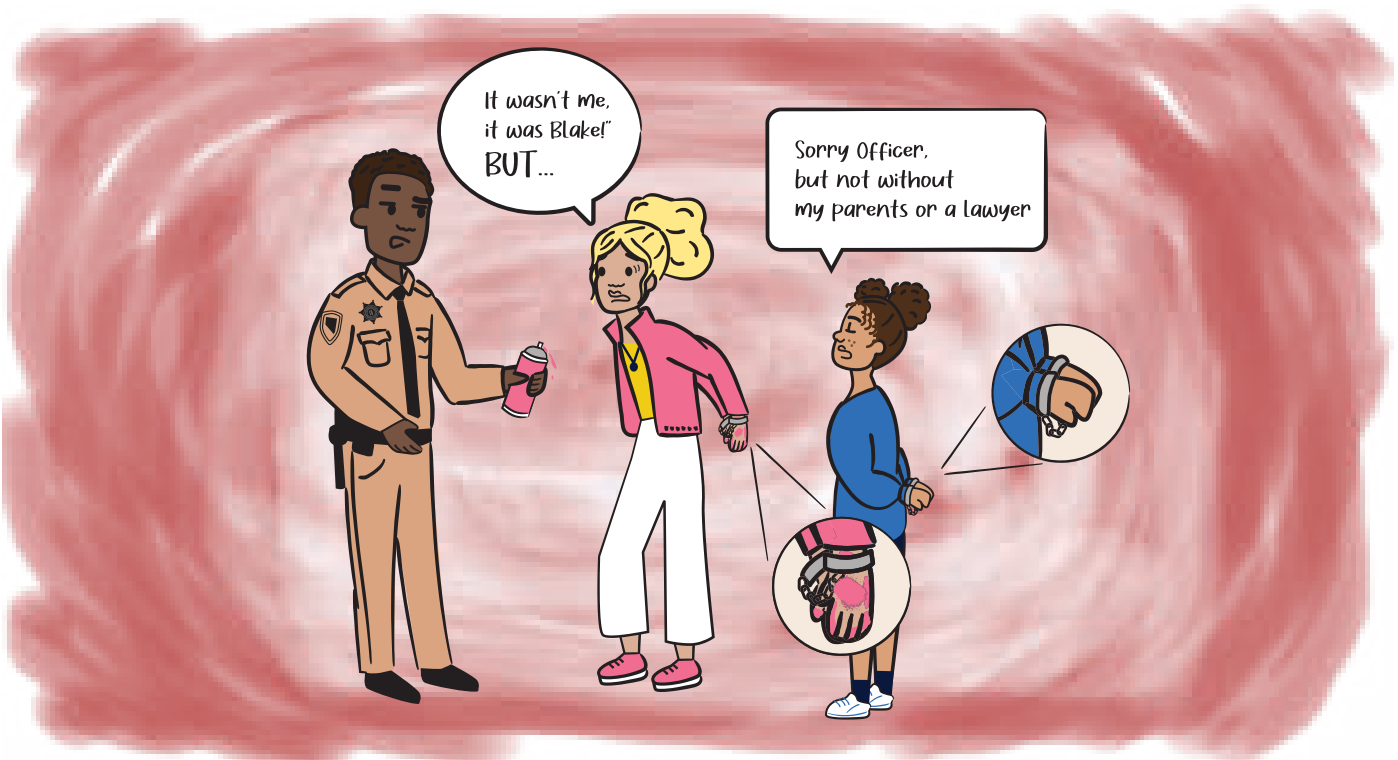
- A trial by an impartial jury
- A speedy, public trial
- An attorney
- An ability to confront witnesses
- An ability to call witnesses
- An explanation of their rights and the charges
- An ability to refuse to testify against themselves

Juveniles are people under the age of 18, and they do not have the same rights to due process as adults. That doesn't mean juveniles aren't treated fairly under the law.

Juvenile courts are different in a number of ways. For instance, there are no juries in juvenile court cases, so juveniles accused of crimes have different due process rights that make more sense for the juvenile court system. Those rights include:

- Notification of the charges
- An attorney
- An ability to confront witnesses
- An ability to refuse to testify against themselves

Getting into legal trouble can be confusing and even a little bit intimidating. That's why it's important to understand laws, your rights and responsibilities under them, and what to expect from the legal system if you ever find yourself having to deal with it. That's why in the next chapter, we'll be exploring the Juvenile Justice System.



Laws Table

KEYWORD	CLASSIFICATION	SUMMARY + DETAILS	CODIFICATION
Jury Duty	Regulations	To serve on a jury in a Nevada court you must be 18 years old, a U.S. citizen, and a resident of Nevada.	NRS 6.010
Juvenile Rights	Legal Right	Juvenile offenders have the legal right to counsel when facing criminal proceedings.	In re Gault
Perjury	Category D Felony	The act of lying while under oath.	NRS 199.120
Right to an Attorney	Legal Right	If you cannot afford an attorney in a criminal proceeding, the court will appoint one for you.	NRS 171.188



REAL Helpful: Reporting Your Participation

Project REAL's pre-tests & post-tests are a vital element of our ongoing service in Nevada!

Project REAL relies on generous supporters who like to see how many students their contributions have reached, and the impact those gifts have had with the students we serve. The pre-tests and post-tests students take part in help us to show those supporters all of the amazing work their generosity has produced. This encourages them to continue supporting our work, allowing us to continue providing our law-related education experiences for free to all of the families, students, schools, and community partners we serve throughout Nevada. We also use the information collected from pre-tests and post-tests to continually increase the value of our materials with updates and expansions based on student feedback.

If you appreciate *this* Project REAL experience, please be sure to take part in the post-test for it (even if you didn't take the pre-test first).

Project REAL Pre-Tests

<http://projectrealnv.org/pretest>

Project REAL Post-Tests

<http://projectrealnv.org/posttest>

REAL Continued Learning

Our law blogs are loaded with interesting stories about the law!

Whether you're a teacher looking to expand the experience beyond this publication, or a student who just really enjoyed the learning experience we provided in this guide, we have more material for you. On our Project REAL law blogs, we collect weird, fun, and interesting news stories involving courts, laws, and other civics-related topics. Each of our stories summarizes an interesting law-related news story, and then gets capped off with a series of questions that can be used as prompts for classroom discussions or writing exercises.

Project REAL Law Blogs

<https://projectrealnv.org/connect/blog/>

REAL Opportunity: Contact Us For More Free Resources

We offer many other free resources & experiences to Nevada's schools & community partners!

Trunks filled with costumes and giant set-pieces for our mock trials! Field trips to the courts! Lawyers, judges, and law enforcement specialists as guest speakers! Project REAL offers all of these things and more – all at no cost to the families, schools, and community partners we serve: You just need to contact us to request them!

Having served Nevada since 2004, there are a number of Project REAL books 'out in the wild'. Perhaps you're a teacher who found 15 copies of this guide shoved into a drawer of a classroom you've inherited. Maybe someone emailed you a pdf file and you'd like physical copies of this publication. You might be a teacher who's working with mock trial scripts that were printed at the school and assembled with staples, wishing you had a teacher's guide for the material you're working with.

Whatever circumstance led you to this page, know that there are many other free resources waiting for you – you just need to get in touch with us to request them. We hope to hear from you soon.

Requests & More

<https://projectrealnv.org/project/requests/>

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