Court Observation & Practical Experience

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For this assignment, I attended the court proceedings and visited an agency who is working for improvement in situations related to domestic violence.

# Court Observation

Unit on the judiciary system or rights protected by the system is the finest time to pay a visit to acquire further information. During this session, students can take advantage of the additional knowledge they have acquired by observing and interpreting the sessions of the court. Court personnel and judges are other sources of gaining information for the students. They have the chance of learning information regarding structure, functionalities and normal procedures of the court which can be significant for them shortly. It is a motivating as well as a learning opportunity for those who are interested in adopting a legal career and those who decide whether to choose a legal career or not.

I did not feel tensed rather curious about the case. It was not my first-time attending court hearing but the second. The first time I attended the court hearing about a case of homicide. I was quite nervous back then that sometimes the accused become aggressive and may hurt someone.

Everyone in Washington state has a right to attend the court proceedings. They may be allowed to attend the sessions to a certain limit as the right is not completely absolute. Under certain circumstances, the court has the privilege to limit the right to use a person to attend proceedings. The information regarding the location, contact numbers and websites can be retrieved on the main website on Washington judiciary. A person must be well-versed about this information if he wishes to attend the proceedings in the court. The main purpose of this page is to emphasize on the aptitudes and skills of a person to gain access to several types of proceedings and enhance their knowledge related to them (“Access to Washington Court Proceedings | Digital Media Law Project,” n.d.). However, the juvenile courts are not open to the public. Also, according to the instructions of the court, the right to attend the court proceedings can be refused. This can happen in sensitive or confidential cases so when the courts understand that consideration of discretion overshadows the benefit of public access, they can refuse the open-access of proceedings of the case. For this decision, the courts deem the interest of government and public and also the privacy concerns of the jurors and witnesses using the experience and logic.

The line for visitation started forming before the building opened. A security officer noted our particular before entering the courtroom and advised us to switch our phones in silent mode. I did not have to buy a ticket or reserve the spot. But due to limited seats, space is available on a first-come, first-serve basis. It is always better to attend the court hearing from the start. The court session had to start at 10 am, but due to the unavailability of some officials, it started at 11 pm. As this case was significant at a major court, reporters and cameramen were present for the media coverage. As I arrived an hour before the court was due, I had no trouble finding a seat. However, those arriving late had to compete with the journalists who could not get a seat in the press gallery. Another advantage of attending the court from the beginning is that one can see charges on accused being read. Next, the prosecution was directed to present the opening statements. After the prosecution, the defense attorney made their opening statements. The opening statements provide an overview of the case and past proceedings.

The case Crawford v. Washington decided in 2004 was a United States Supreme Court decision. It has revitalized the standard of purpose when unverified statements in criminal cases are accepted under the Confrontation Clause of the Sixth Amendment. Kenneth Lee was confronted over an allegation of an attempt to rape Mrs. Crawford by Michael Crawford and his wife Sylvia Crawford. He was also stabbed in the torso by Michael Crawford. Mr. Crawford recorded a statement that he believed that Lee had snapped up a weapon to hurt him and as a result, he stabbed him in self-defense. All the accusations of making Mr. Crawford believe that he had picked up something for attacking him were denied by Kenneth Lee. The police questioned Mr. Crawford and Mrs. Sylvia Crawford after they were given a Miranda Warning. Mr. Crawford also stated that he was not certain if Lee had picked up anything to hurt him but at that moment, he believed that he was armed. The police interrogated Mrs. Crawford separately regarding the attack. In the start, Mrs. Crawford denied that he had seen the attack but after being questioned repeatedly, he admitted that she was a witness to the attack and Lee had nothing that could put Mr. Crawford’s life in danger.

The court held that the lower courts used trial of out of court statements which were made to police by an unattainable witness had violated a criminal defendant's Sixth Amendment. According to which a criminal has a right to meet and challenge the witnesses who testified against him. The Court detained that it is a must to provide cross-examination for admitting preceding testimonial statements of the eyewitnesses who were unreachable since the statements were recorded.

           The trail came to end with the announcement of the verdict. Sometimes it can be difficult for the visitors and relatives of the defendant or plaintiff if the case goes against what they expected. However, in this case, the decision was taken based on the U.S. Constitution.

Justice Scalia provided the opinion of the Court and Kennedy, Stevens, Thomas, Souter, Breyer, JJ., and Ginsburg joined. On the other hand, Rehnquist, C. J., filed an opinion concurring in the judgment, in which O'Connor, J., joined. Justice Scalia is one of the judiciary personalities I adore. Scalia was recognized for the general traditional lawful opinions he gave. He was in the favor of guns, state provision of religion and the rights of the state while differing the right of abortion, civil rights for the safety of traditionally unprivileged groups and the assenting actions.

Writing for the majority, Associate Justice Antonin Scalia stated concern over the unpredictable outcomes by courts under the case Ohio v. Roberts, which is used as a standard by the courts of the state of Washington. He was of the opinion that outcomes of the Crawford decisions at the various levels of Washington state courts are an ideal example of this problem. He gave a piece of detailed historical information on the Confrontation Clause and explained the procedure through which the Clause became part of the Constitution utilizing well-known English cases, like Sir Walter Raleigh. Then He also explained the setting where the Constitutional Framers outlined the clause.

Students should be encouraged to attend different court levels and a wide range of forums including supreme county courts, criminal trials magistrates court, tribunals, and the coroner’s court.

# Practical Experience

There are numerous groups and agencies operational in Washington to prevent domestic violence, create awareness about it and rehabilitate people. One of them is A Better Way Counseling. It is certified by the state of Washington which provides the treatments of perpetrators of domestic violence. Both men and women who are ordered to be in DV treatment by the court are provided the treatments by this agency. The guidelines that describe the method of DV treatment defined in the WAC 110-60A are followed to conduct the DV treatment program. Every individual who wishes for becoming a part of DV treatment is required to follow the provided guidelines. There is an intake session before joining the group at the start of the DV treatment. This treatment helps both the genders to deal with the conflicts concerning using violent and abusive means. One of the team members of this agency, Debbie Tomasovic is a family therapist as well as a licensed marriage therapist in Washington state. Since 1994, many people including individuals, families and couple are treated through treatment by her. The problems faced by people like depression, social anxiety, traumas, and other general issues required an immediate remedy. She has excellent training in Eye Movement Desensitization and Reprocessing (E.M.D.R.) which also helps in dealing with the traumas of the client and improving their strengths. She also provides therapy to couples who are premarital, married, dating, separating, gay, lesbian and people who suffer from anger issues and were a part of domestic violence clusters. She also has a piece of great knowledge regarding Ecopsychology, which delivers a strong basis to the Eco Therapy practice. It has a deep connection with the natural world and mental health. Training and Workshops are organized for offering supervision to many other therapists who pursuing a license as Family and Marriage therapists and mental health counselors.

In response to my question that how someone prosecuted for domestic violence is treated, she explained that the perpetrator must have treatment if the domestic violence case is being prosecuted in the court. The main aim of the treatment is to provide the victim of maltreatment safety. It also strives for holding the abuser accountable for his actions and bring an improvement in their behavior. There may be a variation in the orders of court due to the location and seriousness of the violence. The culprit is prisoned if his actions are too severe and violent. Presently, there is a dearth of rehabilitation programs for the prisoners who are accused of domestic violence. Usually, the lack of such facilities may speed up the probability of prisoners committing violence shortly. However, it is not mandatory for every abuser to receive treatment. They may also find provision or treatment groups that help them in improving their behavior and becoming a better human. Such groups usually make a person determine the reason behind their behavior and are held responsible for their deeds. This may cause them a sense of guilt and they make try to change themselves into a better person. A study cites that cognitive-behavioral remedy is a potential cure for abusers. She added that the children who are witness to domestic abuse need to be addressed regarding their trauma. It is usually conducted at an appropriate age and within a period for their benefit. It also helps children in recovering and avoiding issues like mental health issues and illness. Therapy plays a significant role in lessening the effect of the trauma so that the child may not suffer in his adulthood. Thus, help from is highly valuable as an avenue for children who are raised in abusive homes to deal with an array of intense and confusing emotions.

I asked her about any example of a couple who recently received help and if it was effective. She told me about a young couple who decided to get couples counseling. She said that first the couple was asked about the fights they have reported. The wife mentioned that her husband pushed her down and often he snatches objects like phone and remote control from her hand. The husband accepted that, adding that he was also pushed. The wife claimed that she did that as self-defense. The couple was asked to come for therapy separately. After a few sessions and anger management strategy for husband, both were able to get back to normal life.

I questioned Tomasovic that what was the basic principle for anger management and the reduction of domestic violence. She stated that we follow the idea that we cannot teach respect by neglecting others' right to be respected. The aim of our domestic violence and anger management issue groups is to teach people about answerability, pacifism, margin setting and conflict resolving. It focuses on solving issues calmly instead of being aggressive and violent. For modeling and teaching all the basic rules of being nonviolent, a person must learn to respect the opinions and priorities of the other person. It is the essential principle of the organization to deal with people with dignity and respect. Counseling, mediation, treatment groups, and conflict resolution are a fundamental way of providing therapy to people of every age group. They have their branches in Oregon, Washington, Portland, and Vancouver but tend to make their services regarding mental health issues accessible to everyone by uploading videos and online services all over the world. According to the directions given by state law, the treatment of domestic violence is mainly conducted in groups. In some of the rare cases, individual counseling is also a significant part of domestic violence treatment. The most dangerous type of treatment is the therapy of a couple for vicious relations, so it is not presented as a fragment of domestic violence treatment. She assisted with the procedure that if anyone needs a Domestic Violence Assessment, they have to fill Domestic Violence pre-assessment form.

She concluded that domestic violence and such abuse are behavior learned through observation and they can be corrected. The victim cannot be held guilty as the cause of violence, instead, it is the choice of the offender. Thus, it can be changed if necessary, steps are followed with help from a skilled therapist.

References

Access to Washington Court Proceedings | Digital Media Law Project. (n.d.). Retrieved December 10, 2019, from http://www.dmlp.org/legal-guide/washington/access-washington-court-proceedings