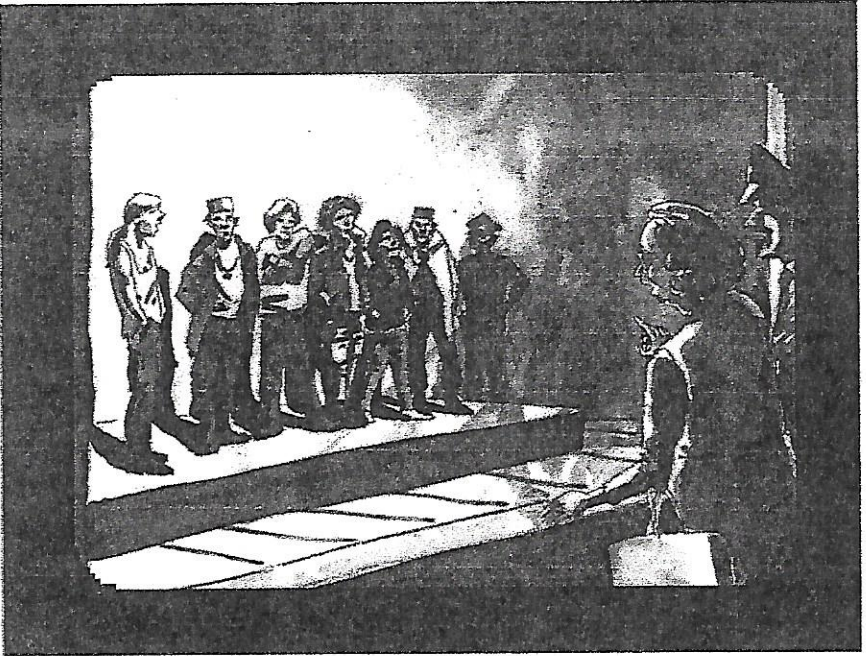


Your Lawyer and You

Ken W. and a friend, Don, were arrested for shooting and killing someone. Ken W. called his lawyer. His lawyer told the police not to question Ken unless she was there. They questioned him anyway. When witnesses were not able to identify or pick out Ken as the guilty person in a lineup, he was set free. But Don was convicted. Three years later, the police got a tape recording of Ken that tied him to the murder. Ken had not known that the tape was being made. The tape was made by Don who wanted to work with the police in order to get a reduced sentence. This evidence finally helped to convict Ken W. in court.



CHECK vocabulary words in bold.
LOOK UP word meanings in the glossary beginning on page 92.

Ken W.'s lawyer appealed his case. She said that she had told the police not to question him unless she was with him. She said that Don's plan to tape Ken was just like having the police question him. She said that, just as in the beginning, the police should have called her first. The state court of appeals agreed that Ken's rights had not been protected, and a new trial was ordered.

In this chapter, you will learn about why every person who is arrested needs a lawyer at all times. Things may not be finally decided at the point of arrest or of conviction and sentencing. You will find out what a lawyer does and how you can best work with your lawyer.



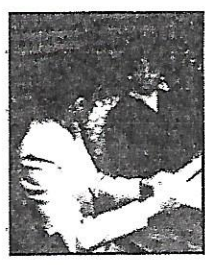
CRITICAL THINKING

The arguments attorneys make, based on the evidence, often use a kind of thinking or reasoning called *logic*. Other ingredients that form part of an argument might be: custom, right, duty, fault, cause, ownership, and common sense. Why do you think it helps to use more than one kind of argument to win a case?

What Lawyers Do

A lawyer has gone to law school and knows about both federal law and state law. All lawyers have to take exams about the laws of their home state. If you are not a lawyer, you cannot know about all the different laws. Think of the criminal justice system as being a foreign country: The lawyer becomes your guide in this country because she speaks and understands the legal language.

When do you need a lawyer? You need a lawyer to represent you as soon as you are under arrest. Research shows that people who use lawyers before they go to court have a better idea of what will happen. They can have everything explained to them and are better able to make choices when necessary.



Attorney Jameson says: "In 1873, the U.S. Supreme Court said that Myra Bradwell could not practice law because she was a woman. Instead, she started a legal newspaper and spent quarter of a century fighting for equal rights for women. I became a lawyer, knowing that there is still more to be done to create true equality for everyone in the criminal justice system — from the treatment of suspects to the appointment of Supreme Court judges."