

**ROLE OF PROSECUTORS AND DEFENSE ATTORNEYS
GROUP WORK**

Goal:

Give students a better understanding of how prosecutors and defense attorneys deal with situations and why they make choices that appear contrary to popular opinion.

Objectives:

1. To introduce students to the role of prosecutors and defense attorneys.
2. To expose students to the types of dilemmas faced by criminal lawyers.
3. To force students to discuss how they feel about these dilemmas.
4. To teach students the rules and options involved when prosecutors and defense attorneys face these dilemmas.

Instructions:

Split the class into groups (preferably small groups of 4 or 5). Have each group select a spokesperson. Pass out a different situation to each group. Let the group read the dilemma and discuss what they would do (15-20 minutes). Have the spokesperson for each group read the dilemma and tell what their group would do and why. Let the other groups respond. Finally, explain whether there is a clear rule, what options they would have, and what circumstances should guide their decisions.

GROUP 1

County Prosecutor

You are prosecuting an aggravated assault. You are ready to go to trial when the police officer tells you that the defendant did not actually hit the other person, but the defendant was causing trouble and not cooperating.

What would you do?

GROUP 2

County Prosecutor

You are prosecuting an aggravated assault. You are ready to go to trial when you discover some evidence that proves the defendant is not guilty.

What would you do?

GROUP 3

County Prosecutor

You are prosecuting an aggravated assault. You know the defendant is a good person and a conviction would ruin the defendant's life. The police officer tells you he saw the defendant assault the victim.

What would you do?

GROUP 4

County Prosecutor

You are prosecuting an aggravated assault. The victim of the assault is married to the defendant. The victim does not want you to prosecute the case because the defendant has apologized and the victim wants the defendant to come home so they can work it out.

What would you do?

GROUP 5

Criminal Defense Attorney

You represent a client who has been charged with aggravated assault. Your client tells you that s/he is guilty, but you know you can get the charge dismissed because the police conducted an illegal search.

What would you do?

GROUP 6

Criminal Defense Attorney

You represent a client who has been charged with aggravated assault. Your client claims to be innocent, but there is concrete evidence proving that your client is guilty.

What would you do?

GROUP 7

Criminal Defense Attorney

You represent a client who has been charged with aggravated assault. You believe that your client is innocent, but you have no way to prove it. Your client was home alone when the crime happened. Your client tells you that a friend will testify that they were together during the time when the crime occurred, so that your client will have an alibi.

What would you do?