

Topic:

Understanding Courts and Court Cases

Time:

1-2 class periods

Grade:

4-6

Core:

5: 6050-0503

Objectives:

1. Students will understand the way a simplified judicial decision is made.
2. Students will discern the issues from a very simple fact situation.

Procedure:

1. Explain to students that judicial problems come to court as “cases.” Give a very simplified explanation of the case study method in Handout 1. Primarily, students should realize that the most important aspect of the problem is the issue. What, as precisely as possible, is the plaintiff asking the judge to decide?
2. Arbitrarily divide the class into 10 groups of three. Assign each student in each group a role: judge, plaintiff, or defendant. They will rotate roles for the first three cases.
3. Using the role descriptions (Handout 2), read to the class the brief statements about each role.
4. Choose one case from those given in Handout 3 and distribute only the facts. Do not discuss the issue or the decision at this time.
5. Have the students role play within their individual groups. The plaintiff speaks first, then defendant. The judge may ask questions before he/she makes a decision and gives the reasons.
6. Discuss the issue and the decision with the whole class; distribute Handout 4, if desired.
7. Rotate the roles and repeat the procedure with one or two of the additional cases in Handout 3.

Additional Resources:

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8. Debrief the simulation with the following questions:
 - a. Which is the most difficult role to play? Why?
 - b. How well (realistically) did the “actors” play their roles?
 - c. Were the judges’ decisions “fair?”
 - d. If you were the judge, would you have decided the case differently?
9. Many attorneys serve pro bono (without pay) as judges for small claims court. If you don’t know of one, you can get a name by calling the clerk of the small claims court. It would be interesting and informative to invite a pro bono judge to your class to examine small claims procedures in Utah.

HANDOUT 1

USING THE CASE STUDY APPROACH WITH ELEMENTARY STUDENTS

Most students in the elementary grades are not able to deal with the vocabulary statements written for older students. Moreover, elementary students are likely to possess only basic skills in analysis, synthesis, and evaluation. The following is a suggested approach for using the case study method with younger students.

Case Study Approach--Elementary Process

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|----|---|---|
| 1. | Background (facts) | Teacher presents the background of the case to students. |
| 2. | Review of facts | Students identify and review the facts, clarifying the circumstances, terms, and characters in each case. |
| 3. | Investigation of issues | Students determine the issues that are raised in the case. |
| 4. | Consideration of decision and reasoning | Students examine the facts and issues and decide the case. For example, what do you decide? Why? |

HANDOUT 2

ROLE DESCRIPTIONS

- Judge:** The judge must see that both sides have a fair chance to present their cases. The judge should not interrupt or dominate the proceedings. In Part II, when the parties are represented by attorneys, he/she must decide whether a law has been broken. If so, he/she must uphold the law.
- Defendant:** This person has been accused by the plaintiff. He/she has been summoned into court and is probably appearing against his/her will. He/she listens to the accusation and then either tries to prove it untrue or gives reasons to justify his/her actions.
- Plaintiff:** This person has accused the defendant of doing or not doing something which he/she thinks is unfair. He/she is the one who has asked the court to hear the case. In a pro se court, the plaintiff is asking the judge to make the defendant pay him/her an amount of money. He/she speaks to the judge first.
- Plaintiff's Attorney:** He/she tries to prove the accusation is true. This attorney may ask questions of fact of the defendant and then plaintiff. He/she may not ask for their opinions. He/she speaks first.
- Defendant's Attorney:** He/she listens to the plaintiff's attorney and then tries to show that either the defendant did not do what he/she was accused of doing or that he/she had good reasons for doing it.
- Observer:** Your task is to listen carefully to the testimony of the plaintiff and the defendant and try to answer questions.

FACTS

1. Plaintiff is the assistant to a newspaper delivery person.
2. Defendant is the newspaper delivery person.
3. The Defendant became sick and asked his helper, the Plaintiff, to deliver fifty papers. The Plaintiff agreed to deliver the papers for \$5. The Plaintiff delivered the papers but did not place them in mail boxes or inside halls. Twenty-five newspapers were ruined in the rain, and the Defendant refused to pay the \$5 to the Plaintiff. Plaintiff sues.
4. What is the issue?
5. How would you decide? Why?

SECOND CASE

FACTS

1. Plaintiff is a babysitter.
2. Defendant is a parent.
3. The Plaintiff agreed to babysit for the Defendant's two children for \$2.00 per hour. When the babysitter arrived, there was a third child, a cousin, present. The Plaintiff said nothing about an increased rate but demanded \$3.00 per hour when the Defendant returned home two hours later, claiming the rate to be \$1.00 per hour per child. The Defendant refused to pay the additional \$1.00 per hour. Plaintiff sues.
4. What is the issue?
5. How would you decide? Why?

HANDOUT 3

THIRD CASE

FACTS

1. Plaintiff is a comic book collector.
2. Defendant is a classmate.
3. The Plaintiff loans ten comic books to the Defendant for one week. The books are in very good condition, and the Plaintiff warns the Defendant to be careful of them. The Plaintiff had paid \$1.00 a copy for the books or a total of \$10.00. The Defendant returns five comic books in good condition, but five are torn and ripped. The Plaintiff demands \$10.00 from the defendant to cover costs. The Defendant refuses. Plaintiff sues.
4. What is the issue?
5. How would you decide? Why?

FOURTH CASE

FACTS

1. Plaintiff was the owner of a ten speed bicycle.
2. Defendant was the owner of a bicycle repair shop.
3. The Plaintiff brought the bicycle into the shop when the gears didn't shift properly. The Plaintiff told the Defendant-owner to fix the gears but not to do anything that would cost more than \$25. When the Plaintiff came to pick up the bicycle the next week, he/she found that the shop had installed brand new gears and had sold his broken gear shift to a bicycle used parts company. The Defendant told the Plaintiff that he/she would pay \$25 since that was the amount he said was as high as he could go. The Defendant said he/she would not get the bicycle back until \$75 was paid. Plaintiff sues.
4. What is the issue?
5. How would you decide? Why?

HANDOUT 4

FIRST CASE

ISSUE:

Did the assistant fail to live up to his agreement? If so, what would be the appropriate remedy?

DECISION:

It appears from the facts that the Plaintiff did what he/she had agreed to do. He/she agreed to deliver the papers and did just that. The agreement did not specify that he/she had to put papers into the mailboxes or inside halls. On the other hand, it is important to remember that the Plaintiff was an assistant to the Defendant. Since he/she was an assistant, he/she knew from experience that delivering the papers included putting them into the mail boxes and in the halls. Therefore, it is clear that the Plaintiff should have done what he/she knew from his/her experience. It can be concluded, therefore, half of the papers were delivered successfully. Judgment for the Plaintiff for \$2.50. This is appropriate since the agreement was for fifty papers, and twenty-five people got their papers in good condition.

SECOND CASE

ISSUE:

Is the Plaintiff entitled to the additional \$1.00 per hour?

DECISION:

From the facts, it appears the Plaintiff had agreed to babysit for \$2.00 per hour. When the Plaintiff arrived on the job and saw an additional child, he/she did not say he/she wanted more money. The Plaintiff had never told the Defendant that he/she expected \$1.00 per child when they made the agreement. It was, therefore, unfair for the Plaintiff to demand this amount after the fact. The Defendant understood that the charge was \$2.00 per hour and not \$1.00 per child. To give the \$1.00 additional fee per hour would be unfair to the Defendant. Judgment for the Defendant.

THIRD CASE

ISSUE:

Is the Plaintiff entitled to damages if Defendant returned loaned comic books in a condition different from condition the books were in when they were received?

DECISION:

When one loans an item to someone, he/she is entitled to get it back in a condition reasonably similar to the condition it was when he/she loaned it. In this case, five of the books were returned in a torn and ripped state. It is obvious that the Defendant did not exercise reasonable care while he/she read the books, and it is, therefore, unfair to return them in poor condition. What would be the measure of damage? If it can be shown that the Plaintiff could get the same comic books for \$1.00 each, the Plaintiff would be entitled to \$5.00, and the Defendant could keep the torn books. If the books were irreplaceable, the Plaintiff would be entitled to the \$10.00 he sought. Judgment for the Plaintiff.

FOURTH CASE

ISSUE:

Can the Defendant do more than he/she was authorized to do by the Plaintiff without first making an additional agreement with the Plaintiff?

DECISION:

No. The bicycle repair shop cannot take unfair advantage of a customer. The Plaintiff/customer had placed limitations on what the shop could do. The shop cannot do more without consulting the customer. Since it was too late to return the bicycle in the condition in which it was brought, the shop must give the bicycle with the new gears to the Plaintiff for \$25. Judgment for the Plaintiff.