

INTRODUCTION AND ACKNOWLEDGMENTS

Each lesson plan has a cover page which lists the objectives and where the lesson plan fits into the Social Studies Core Curriculum. It gives credit to the source of the lesson and makes an approximate time allocation. We have included several student activities with each section and have tried to combine class discussion effectively with writing activities and independent student worksheets with group work. The Table of Contents lists each lesson plan and its objectives for easy reference to content.

A variety of diverse teaching strategies are suggested in the lesson plans. Some of these are explained in greater detail at the beginning of the manual. We encourage you to experiment with a variety of approaches, but also to find and use strategies that are compatible with your students and your teaching style. One great strength of law-related education is that it lends itself to various teaching approaches encouraging writing, thinking, and discussing — both creatively and analytically. The activities in the lesson plans are designed to encourage students' creativity and critical thinking skills and to give them an understanding of the development of the legal system and respect for law and constitutional principles.

This manual has been prepared for use with looseleaf binders so that lesson plans and activities may be added. It is anticipated that this will be a continuing project, and we urge teachers to submit ideas and activities that could be included in a future edition. Finally, the media and materials listed in the lesson plans are available from the Utah Law-Related Education Project and may be checked out by calling the office at 801-322-1802 or e-mailing the office at lre@icw.com.

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TEACHING STRATEGIES

THE CASE STUDY METHOD

The case study method is a problem-solving technique in which students utilize cases as original sources from which to exercise their own reasoning ability and to reach their own conclusions concerning the law. By using the case study approach and using the original sources of legal principles and precedent, students will develop skills in critical thinking, legal processes, and analysis.

Preparation

The case that is selected should center upon a significant legal question, pose a variety of possible solutions, and provide interest for students. In addition, the case should contain sufficient information to relate to appropriate rules. Before using the case study approach, students should have learned the fundamentals of the legal system i.e., the Constitution, the Bill of Rights, the American judicial system, and the structure of the court and criminal justice systems. In addition, students should be given relevant information on social, economic, and political factors.

Procedure

The presentation of a legal case normally includes:

1. A statement or review of all the facts of a particular case;
2. An investigation or treatment of the issues and arguments of that case;
3. An analysis or consideration of the decision, including the legal reasoning behind the implications of the ruling.

Before proceeding with any study of a legal case, it is essential for the students to possess a basic knowledge of the law and to interpret and clearly understand the facts of the case. The facts provide the basis for any analysis of a case.

During the phase of exploring the issues and developing arguments in favor of, or in opposition to, a particular position, students are confronted with a variety of important viewpoints and ideas. They are asked to listen to, consider, and evaluate all viewpoints, including those with which they may disagree.

In the last phase, students are asked to give careful consideration to a decision. This generally includes developing reasons and justifications for the decision in terms of their own analysis of the facts and arguments in the case and a careful weighing of the consequences of the decision. Students also may be instructed to evaluate the actual court decision and the reasoning behind the decision.

Case Method Activity Sequence

- Step 1: Review of the facts:
 What are the significant facts in the case?
- Step 2: Investigation of issues/arguments:
 What legal issues are involved?
 What arguments might be presented?
- Step 3: Consideration of decision and reasoning:
 What would you decide? Why?**
 What was the court's decision?
 Why did the court come to that conclusion rather than another one?

**NOTE: Usually, the teacher does not disclose the court's decision until students have gone through this process.

The greatest challenge to an instructor in the use of this method is guiding the class in the desired direction without seeming to dominate the discussion. Teachers should keep in mind that the best types of questions are those that require the students to think. There may not be a "right" answer to every case.

Alternative Approaches

There are, of course, other approaches to the case study method. An entire case, properly edited for maturity level and reading skills, can be distributed with instructions that the students discover the facts, arguments, issues, and the opinion or opinions of the judges. An alternative method is to assign to small groups the task of dissecting the case.

On a more sophisticated level, where there are majority and dissenting opinions, the students can be presented with two sets of facts drawn from the opinions. Their assignment is to note the differences in tone and detail of the statements. Then, two sets of opinions are handed out, without disclosing which are the majority and dissenting opinions. The assignment at this point is to match the facts with the opinions.

The case study method can demonstrate to students that conflict is a natural part of social development and that the legal system is an effective way to resolve many of these conflicts. Most importantly, the method is the best available for relating theory to practice. Simplified case studies are available from the Utah Law-Related Education Project.

Student's Name: _____ Date: _____

CASE STUDY SHEET

Case Name: _____

Court: _____

Decision Date: _____

Facts:

Legal Issues:

Decision:

Court's Reasoning:

Student's Comment:

ROLE PLAYING AND SIMULATIONS

In **role playing**, participants feel like, think like, or act like another individual and “act out” a particular problem or situation. This approach is an ideal activity for examining an adversarial legal system. With practice, students become facile in analyzing points of view that differ from their own.

A **simulation** is participation in a hypothetical situation based on a simplified actual setting. Participants react to a specific problem that has been devised in a simulated social environment. A number of role plays and simulations are available from the Utah Law-Related Education Project.

Although the two modes have differing qualities, they are mutually complementary and share some common features:

1. Build upon and further the development of a student’s imagination or critical thinking skills.
2. Promote the free expression of attitudes, opinions, and values.
3. Place the student in a particular problem or situation that is often found in the real world.
4. Call upon the student to consider alternative courses of action.
5. Require careful planning by instructor and preparation for participants.
6. Necessitate extensive debriefing and in-depth analysis of the experience by teacher and class following the activity.

The use of these approaches is an excellent way for students to develop new ideas and creative responses to a problem. In addition, students quite often gain personal confidence and poise from the experience of being in front of the class and thinking on their feet.

Preparation

Because some students might be uncomfortable, these exercises should be presented in a relaxed, non-threatening atmosphere, and students should realize there is no right or wrong way to react. Only practice will help students feel more confident in this type of spontaneous situation. Careful planning and adequate student preparation should provide a constructive learning experience.

Procedures

There are three stages involved in the use of a role play/simulation:

1. Preliminary planning, preparation, training, and instruction.
2. Active class involvement.
3. Follow-up debriefing, analysis, and discussion.

When the problem or situation is presented, students must be given enough information to play the roles convincingly. Then, get the class involved as quickly as possible. It is not necessary to spend a lot of time on introduction. During the activity, the teacher should not be involved except for a procedural problem. Student observers might be asked to take notes and share in the debriefing.

Debriefing

Debriefing encourages the use of analytical and critical thinking skills. The following questions may be useful for follow-up discussions:

1. Were the players realistic?
2. Was the problem solved? Why or why not? How?
3. What were the alternative solutions?
4. Is this situation similar to anything you have personally experienced?
5. How did you feel playing that role?
6. If you repeated the role playing, would you do anything differently?

For the class:

1. How might the activity be improved?
2. What alternative courses of action were available?
3. Was this activity worthwhile?
4. Can you suggest some other subjects or problems that might be considered in the same manner?

MOCK TRIALS

The purpose of this activity is to encourage students to gain a better understanding of the purposes and procedures of the adversary system. Experienced students can engage in the resolution of complex social and legal issues. In addition, students develop skills in questioning and critical thinking, and the activity helps clarify student attitudes toward the law and the legal system. It provides the opportunity for the use of resource persons, such as judges, attorneys, and court personnel.

Preparation

1. Acquaint participants with courtroom procedures and the roles of those present in the courtroom well in advance of the actual mock trial.
2. Select a case (actual or hypothetical) or assist participants in selecting a case that brings out issues or questions relevant to the objectives of the concept you are studying. Mock trial cases are available from the Utah Law-Related Education Project.
3. Provide participants with a statement of the facts and relevant information about the case.
4. Select participants to role play the various people who will be involved in the trial:
 - a. Judge
 - b. Bailiff
 - c. Prosecutor or Plaintiff's Attorney
 - d. Defense Attorney
 - e. Defendant
 - f. Plaintiff (civil case) or Victim (criminal case)
 - g. Witnesses
 - h. Jury
 - i. Court Reporter

Procedure

Conducting the mock trial (See the following pages on "Simplified Rules of Evidence.")

1. Opening of the court by the court officer.
2. Jury selection.
3. Opening statements to the jury, first by the prosecutor or attorney for the plaintiff, then by the attorney for the defense. (Five minutes is the maximum time allowed for the opening remarks of both the prosecutor or plaintiff's attorney and the defendant's attorney.)
4. Direct examination and cross-examination of the victim(s) or plaintiff(s) and their witnesses. (Plaintiff is examined first by his or her own attorney and then by the prosecutor or attorney for the defense.)

SIMPLIFIED RULES OF EVIDENCE

In American courtrooms, elaborate rules are used to regulate the admission of evidence. These rules are designed to ensure that both parties receive a fair hearing and to exclude evidence which is irrelevant, untrustworthy, or unduly prejudicial. For purposes of mock trials, the rules of evidence should be greatly simplified. The following rules are those most commonly applied to the classroom mock trial.

Form of questions

Leading questions are permitted during cross-examination but not during direct examination. A leading question is one that suggests the answer desired by the person asking the question. Direct questions are generally phrased to evoke a narrative answer. Example of a direct question: "Mr. Bryant, can you please tell us what happened to you on the night of July 23rd?" Example of a leading question: "Mr. Hayes, isn't it true that you were drinking on the night of July 23rd?"

Witness opinions

As a general rule, witnesses may not give their opinions. They should confine their testimony to matters of personal knowledge (i.e., what they did, saw, heard, smelled, etc.). However, certain witnesses who have special knowledge or experience in a certain field may be qualified as an "expert witness." An expert witness is allowed to express an opinion about his or her area of special expertise.

Hearsay

Hearsay is an out of court statement offered to prove the truth of what is asserted in the statement. For example, suppose a witness says, "I heard that Darryl Bryant has a criminal record." This is hearsay if offered to prove that Darryl Bryant has a criminal record. Such statements as "I was told . . .," "I heard . . .," "I was informed . . .," are other typical examples of hearsay statements. As a general rule, hearsay is not permitted as evidence in a trial. However, students should know there are exceptions to the rule against hearsay, and it is sometimes permitted in a real trial.

Relevancy

Only relevant testimony and evidence may be presented. Irrelevant evidence is that which has nothing to do with the issues in the case. For example, to ask a witness to an alleged crime if he or she has read any good books lately, would obviously disclose facts worthless for a judge or jury to consider.

Introduction of physical evidence

If there is any physical evidence (e.g., documents, photography, etc.) which either side wishes introduced at trial, this may be done by:

1. Asking the judge for permission to have the item marked for identification (e.g., “Your Honor, I ask that this letter be marked for identification as defendant’s Exhibit A.”).
2. Showing the item to the other side to give them an opportunity to make any objections.
3. Asking the witness on the stand to identify the item (e.g., “Mr. Kay, I show you what has been marked Defendant’s Exhibit A. Could you please tell us what it is?”).
4. Moving the item into evidence (e.g., “Your Honor, I offer this letter for admission into evidence.”).
5. Note: Items introduced into evidence are not simply used for display purposes with the witnesses. In jury trial settings, they can be taken into the jury room to be re-examined and considered along with oral evidence or testimony. So anything that a party would want the jury to physically take and re-examine must be admitted.

Impeachment

The witness statements provided with the mock trials should be considered sworn statements of the witnesses made prior to trial. Student witnesses should be familiar enough with the statement to testify without reading it. Student testimony should not be allowed to contradict the witness’ statements. If a witness’ testimony contradicts the facts as stated in the statement, the other side can impeach the witness on cross-examination. This means that the other side can point out the contradiction and, thereby, call into question the truthfulness of the witness. To do this, the side wishing to impeach the witness should:

1. Show the witness statement to the person on the stand.
2. Ask, “Is this your sworn statement?”
3. Have him or her read the portion of the statement which contradicts his or her testimony.
4. Point out the contradiction to the court.

USING NEWSPAPERS

Law-related education as learned in textbooks can be contemporary and immediate by using the daily newspaper. Newspaper activities can help to illustrate the important law-related concepts in current events that also are discussed in the classroom.

Preparation

Prior to using newspapers in the classroom, it might be helpful to spend some time acquainting students with the make up of the newspapers as well as the purpose and function of the various sections i.e., news, editorials, features, business, finance, advertisements, photo-journalism, sports, comics, columnists, etc.

Procedure

The following are a few ways the newspaper can be used in a law-related classroom:

1. Students could:
 - a. Compare the writings of two newspapers and do a comparison study regarding different points of view on a particular topic.
 - b. Compare newspaper coverage of an event to local and national television news. These comparisons could lead effectively into an understanding of free press issues, such as confidentiality of sources, fair trial, etc.
2. A study of the editorial page and editorial cartoons is a stimulating way to improve understanding of issues and different points of view. This is an excellent section to use when stressing a particular law-related point or emphasizing the difference between fact and opinion. Students could be asked to write an editorial using an article in the newspaper or to draw an editorial cartoon.
3. Information in newspapers can lead to a discussion of any law-related topic i.e., consumer information can lead to a discussion of consumer law issues, such as contracts, liability, credit laws, advertising, and deceptive sales practices.
4. Photographs are an excellent impetus for promoting discussion or motivating students to do further research on a law-related topic.

USING MEDIA

The first question a teacher should ask himself/herself before introducing a video into the classroom is, “What contribution will this make toward the education of my students?” If something significant is contributed by the video, it should be used. A good video can add variety and a fresh perspective to a classroom.

Preparation

Preview a video or at least part of it, if at all possible. A video on the Westward movement may be a series of maps or one on law and order may be a promotional for the National Rifle Association.

Procedure

1. Generally, a video can:
 - a. Introduce a topic or idea,
 - b. Furnish details or background on a unit being studied, or
 - c. Act as a summary or review.
2. The video should be connected with what has gone before, and it should throw out leads to be followed or discussed in the future.
3. The video can be effectively introduced by listing on the board leading questions which the video should help to answer.

Debriefing

1. Sometimes a particularly powerful video is best left to “cure” with students overnight or even for an additional class period.
2. Some videos require and inspire free discussion as soon afterwards as possible. Students’ impressions should be exposed to the critical thought and observations of the class as a whole.
3. Sometimes objective tests based on the video’s content are effective teaching devices. Other videos shown to illustrate great moments in history or to establish a mood are better debriefed in more creative ways.
4. One teacher suggests an “image-sound skim” after showing a video. The teacher asks each student to mention an image or sound from the video which comes immediately to mind. This opens up the discussion to everyone.

WORKING WITH SMALL GROUPS

Group work, even for young children, is not a new idea. Teachers frequently and naturally divide their classes for many purposes anticipating different results. Group learning can be more efficient than individual learning. Small groups provide more opportunities for sharing leadership roles and developing discussion skills. Participation and involvement increase.

Preparation

1. Give each group a clearly defined task. Focus in on the problem. Make the instructions to the group very clear.
2. Set a short, specific timetable for the assignment to be completed. Think creatively about ways to occupy groups that finish ahead of other groups.
3. Assign a reporter within each group.

Procedure

1. Move around the room as the groups discuss.
2. Be prepared to stimulate quiet groups or re-focus others with specific questions. Listen to each group as it works, but don't dominate a group.

Debriefing

1. Give each group an opportunity to report its results — orally or in writing.
2. Summarize the significant ideas or conclusions in the thinking of the whole class.

CRITICAL THINKING

Developing critical thinking skills is an important goal of all education. It is a vital aspect of law-related and citizenship education. The ability to assess information, formulate answers, and make decisions based on that information is a direct result of critical thinking.

Comprehension is critical. To understand what one reads requires more than just remembering what the book said. Critical readers think about the accuracy of the information, consider its value, and judge its quality.

In order to develop a better understanding of what is read, the process of reinspection, which allows students to reread the material before they answer, should be encouraged. This helps to ensure that information is not only remembered, but understood.

Most often, a reader's comprehension is checked by means of recall which requires remembering what he/she has read. When we make a distinction between recall and comprehension in the students' minds, we encourage them to gain greater understanding.

Comprehension and memory are different skills. The real advantage reading has over media is that if you do not understand a point, you may go back and reread the material and think about it in order to more fully comprehend what it says. Of course, rereading a paragraph will not always make it understandable, but readers should have the opportunity and time for reinspection.

Procedure

The following questions may help stimulate reasoning and thinking rather than just recall:

1. Who do you think did _____?
2. How do you think _____ felt when _____?
3. How would you feel if you were _____?
4. Have you ever been in a situation like _____?
5. What do you think _____ should have done when _____?
6. What do you think might happen if _____?
7. Why do you think _____?
8. Which is more important, _____ or _____?
9. How would you describe _____? (A person or an action e.g., loyal, brave, cowardly, lazy, sneaky, illegal, dumb, unfair, wise, etc.) Why?

The critical thinking approach encourages critical reading. A student who is a critical reader is likely to apply this skill in other areas where reasoning is important.

