

# **One-Hour Presentations**

## Utilizing Materials and Suggested Presentations Presentation Guidance

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Younger students may find the concept of government somewhat remote and confusing but citizenship is something very meaningful and relevant to them. They are important members of the community, and citizenship is an important issue as you establish and maintain your learning community.

Your challenge will be to make the content meaningful to the students. The suggested lessons provided in this manual are useful bridges to make concepts such as democracy, politics, citizenship and participation more meaningful and accessible to the students.

When presenting to students, it is important for you to start where your audience is, not where you are. Ask yourself the following questions before you begin your presentation:

1. Regarding my subject, how are the students unlike me?
2. What terms and concepts will they probably not understand?
3. What do I need to tell them so that they understand my meaning?
4. What misconceptions might they have?

As an instructor or facilitator, you must be willing to adapt to the different levels of knowledge that will be found in each class. You must remember that you will have some students who know a tremendous amount about your topic(s), some students who know little or nothing about your topic(s), and the remaining students will have mixed knowledge. As a result of these varying levels of scholarship, you must make an effort to communicate the information in a manner that will facilitate the purpose of ***Judges in the Classroom***.

All materials in this manual can be used according to each judge's preference of topics. Please do not hesitate to use supplemental materials.

Also, maintain control in the classroom!

**A few topics that you can introduce to stimulate interest, conversation and exploration with the students follow. You may use all ten, or as many as you wish, as one one-hour presentation, or you may use some of them as introductions to other lessons.**

1. Define ***citizenship***. The status of a citizen with its attendant duties, rights, and privileges.

Explain that we are all citizens of many communities. (e.g., schools, neighborhood/town, teams, state, nationality, and/or ethnicity)

2. Ask students to identify what communities of which they are members.
3. What do communities need in order to function and prosper?  
(e.g., participation, organization, rules, and consequences)
4. Discuss what a community would be like without rules.  
(Focus on the value that rules have in their lives, specifically in the classroom.)
5. Explain rules/laws.
6. What is/are the purpose(s) of rules/laws?
7. Who makes the law?
8. Who enforces the law?
9. Who interprets the law?
10. What are the students' roles in their communities?

# The Legal System

## I. Introduction of Judge

(Give a little background about yourself)

## II. Ask thought-provoking questions

(Allow students to express their knowledge of the legal system, such as components of the system and the members of the system)

## III. Legal System Concepts {This is explored via interaction with students}

A. Purpose of the system

B. Components of the system

C. Roles of each member of the court

1. Judges

2. Lawyers

3. Bailiffs

4. Court Reporters

5. Clerks

6. Juries

7. Law Clerks

## IV. Conclusion

# What is *Law*?

## I. Introduction

## II. What is law?

(Solicit students' ideas and perceptions) **THIS IS NOT THE TIME TO CORRECT MISCONCEPTIONS OR MISSTATEMENTS! DO MAKE NOTE OF THEM AND DISCUSS THEM IN JV.**

### 111. Distribute copies of *No Vehicles in the Park*

- A. Either read out loud or ask a student to read
- B. Discuss the function of each player in the hypothetical
- C. Distinguish between interpretation of the law and black letter law (Explain in relation to *New Vehicles in the Park*)
- D. Inquire about the role of a judge in such a case
- E. Ask about the role of a jury in such a case
  1. Ask students how they would have decided the case against each person
- F. Determine the problem(s), if any, with the law

## IV. Return to and discuss misstatements and misconceptions in II

## V. Conclusion

## No Vehicles In The Park

The City of Beautifica established a large, lovely park in the city. The city council wanted to preserve elements of nature in the heart of the city undisturbed by city noise, traffic and pollution. The park is a place where citizens can find grass, trees, flowers and solitude. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted:



The law seems clear, but disputes have arisen over the *interpretation of the law*.

By breaking into groups of three, you will role play a judge and defense and prosecuting attorneys. You will interpret the law as it has been established by the Beautifica City Council, and argue the *letter* of the law versus the interpretation, in a variety of hypothetical cases in which citations have been issued for bringing vehicles into the park.

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Officer N.O. Warnings, applying the letter of the law, has issued the following citations to people for violating the law:

Case 1      Police Officer Larry Kline

Cited for:    driving patrol car in the park ,

Officer Kline was chasing a bank robber at the time. The robber could not have been caught if Officer Kline had not driven through the park.

Case 2      Ambulance Driver Keisha Newman

Cited for: driving ambulance in the park

-- Driver Newman was rushing a car accident victim to the hospital. The road through the park was the shortest distance between accident and the hospital. Driver Newman believes that the accident victim would not have survived if she had not driven through the park.

Case 3      Mr. Dwayne Thomas

Cited for:    pushing baby carriage in the park

Mr. Thomas was strolling his baby in the baby's carriage through the park on Sunday morning.

Case 4      Garbage Truck Driver Mary Smith

Cited for:    driving garbage truck in the park

Driver Smith was on her regular route collecting the trash cans placed in and around the park.

Case 5      Lt. Antoine Boudreaux (retired)

Cited for: parking a military tank in the park

Lt. Boudreaux is the head of a local veterans committee. His committee put up the Vietnam Veterans War Memorial last year to honor the town's citizens who died in the war. The federal government donated the tank as part of the War Memorial.

Case 6      Mr. Bill Johnson

Cited for: driving his horse-drawn carriage in the park

Mr. Johnson makes a living driving tourist through the park and around the city's scenic spots in an old-fashioned horse drawn carriage. Several of the city's citizens have done so for many years.

Case 7      Mr. Oliver Hebert

Cited for:    driving car through the park

Mr. Hebert works on one side of the park and lives on the other. He saves 10 minutes if he drives through the park rather than around.

Case 8      Robbie Franklin, Jr.

Cited for:    riding bike through the park

Robbie is 6 years old. He was riding the "big-wheel" bike he got for his birthday. His mother was watching him from a nearby park bench.

# Juries

**(For this lesson, you may want to use sample jury charges and interrogatories.)**

## I. Introduction

## II. Juries

### A. Implore students to explain juries

1. Composition
2. Number
3. Method of selecting
4. Their importance in a jury trial

## III. Why should students learn about trial by jury?

- A. Many students will someday serve on juries
- B. For most, it will be their principal way, other than by voting, of directly participating in the democratic process
- C. The more jurors understand their roles, the better they will be able to fulfill this responsibility
- D. The basic principle is secured by most state constitutions and by the Sixth and Seventh Amendments to the United States Constitution (You may want to Issue copies of these Amendments.)
- E. Contrast to other countries, where judges alone often decide issues, juries help balance the scales of justice
- F. Juries keep law in the United States from drifting too far from the will and conscience of the people

## III. Other advantages and disadvantages of juries

## IV. Capabilities of juries

(Can they truly sort out the difficult issues that come before them?)

## V. Discuss jury charges and interrogatories

## VI. Conclusion



# Overview of Justice - Evolution of Conflict Resolutions

## I. Introduction

## II. Guarantee of right to trial by jury

A. Explain to students that in the United states, we are guaranteed the right to trial by jury in both civil and criminal cases. (Explain the difference between the two types of cases.)

B. As a starting point for exploring several historic methods of conflict resolution, stage a conflict in class.

1. Get the help of four students - one to act as the accuser and three to act as the accused.
2. The accuser should accuse the other three students of breaking a school rule, such as cursing or eating in class.
3. The students should deny the charge.

## III. Trial by Ordeal

A. Explain that you are putting the accused on trial.

1. Instead of trying the case in front of a jury, you are relying on a trial by ordeal.
2. Give the accused students a piece of hard, colored candy, and tell them to place it in their mouths for at least one minute without biting it. (Make sure that all the candies will leave the students' mouths brightly colored, except one.)

B. Students are now subjected to the "ordeal"

1. Explain to the rest of the class that at the end of a few minutes, the accused students will stick out their tongues.
2. Any student whose tongue is brightly colored will be considered guilty because a colored tongue is evidence that the alleged crime has been committed.
3. A tongue that is not colored is proof of innocence.

C. Explain that people have always needed ways to resolve legal conflicts, and that trial by ordeal was a common method used in Europe during the Middle Ages.

1. Accused people were forced to undergo dangerous tests, even torture, because the people believed that the innocent would not be hurt or that

their wounds would miraculously heal. (Give examples of torture - What about the Salem Witch Trials?)

D. Have students stick out their tongues

1. You (Judge) write the verdicts in the trial by ordeal on the chalkboard.
2. Ask students if they think a colored tongue is enough to prove guilt or innocence.

E. Discuss advantages and/or disadvantages, if any, of trial by ordeal

F. Compare/contrast to trial by jury

**If time permits, cover trial by oath. (See next page.) If not, conclude this lesson.**

IV. Conclusion

- A. Ask students what trials are like in our country today.
- B. List characteristics of the jury on the chalkboard.
- C. How does a jury reach its verdict?

# Overview of Justice II - Evolution of Conflict Resolutions

I. Introduction

II. Discuss trial by jury

III. Trial by Oath

- A. Select a group of students to serve as the accused and the remaining class members act as "nobles"
- B. Explain that in a trial by oath, people accused of a crime only had to swear or take an oath, that they were innocent - unless others swore against them.
- C. The community was counting on people of good reputation to tell the truth when they spoke under oath. To lie under oath would be to risk becoming an outcast in the community.
- D. Have each of the accused students to swear to his or her innocence before a council of "nobles."
- E. Have each of the accused students choose two supporters to testify under oath about the student's good character. **Before the witnesses testify, tell them that if the nobles find one of the accused parties guilty, they will punish any witness who supported that person.**
- F. When the witnesses have testified, have the nobles vote and render their verdict for the accused.
- G. Write that verdict on the chalkboard.

IV. Discuss advantages and disadvantages of trial by ordeal

V. Compare to trial by jury

VI. Conclusion

- A. Ask students what trials are like in our country today.
- B. List characteristics of the jury on the chalkboard.
- C. How does a jury reach its verdict?

# Juries - *Voir Dire*

I. Introduction

II. Importance of juries

III. Functions/Roles of juries

IV. Process of selecting juries

A. Define *voir dire*

B. You may want to explain the role of the lawyers and the judge during *voir dire*

V. Conduct *voir dire*

A. Explain to students the type of case which will be tried

B. Subject students to a mock *voir dire*

VI. Solicit feedback about the selection process

VII. Conclusion

# Judges and Lawyers

**(Use this lesson as your chance to explain how one becomes a lawyer and/or a judge, the duties of each, and the functions of each in the court.)**

**This is truly an interactive lesson.**

## I. Introduction

## II. Lawyers

- A. How does one become a lawyer?
- B. Role(s) of plaintiffs attorney
- C. Role(s) of prosecutor
- D. Role(s) of defense attorney
  - 1. Explain the term *defenses*
- E. Obligations to clients

## III. Judges

- A. How does one become a judge?
- B. Role(s) of judges
  - 1. Jury trials
  - 2. Bench trials
- C. Application of law

## IV. Conclusion

# Case Scenario(s)

You may choose any case that you find interesting or noteworthy. The case you choose may be one over which you have presided or are presiding. Do not use the real names of the parties. Either type the scenario or read the scenario to the class.

Discuss the facts and stimulate students' interpretations of the facts. Your goal is to develop students' analytical reasoning skills. Students should be able to "argue" both sides once they have extrapolated the issue(s).

You are to serve as the facilitator in this lesson. You are to guide students' thinking and their responses.

At the end of the discussion, reveal the judgment actually rendered by the court. Explain the reasons for judgment. You should also compare and contrast the judgment with the responses given by the students.

**You may discuss one or more scenarios. Your allotted time will be the determining factor.**

# The Fourth Amendment

## I. Introduction

## II. The two functions of the Fourth Amendment

- A. Prohibits "unreasonable searches and seizures"
- B. "No warrants shall issue but upon probable cause"

## III. Historical Context of Fourth Amendment

- A. Declaration of Independence (1776)
  - 1. Purpose
- B. United States Constitution (1787)
  - 1. Purpose
  - 2. What did it do in relation to searches and seizures?
- C. Bill of Rights (1789)
  - 1. Purpose
- D. Adoption of Fourteenth Amendment
  - 1. Purpose
  - 2. Its effect

## IV. Discussions

- A. Police stops
  - 1. May detain
  - 2. May pat down
  - 3. May question
- B. Police Arrest
  - 1. Greater restraint
  - 2. May search
  - 3. *Miranda* warning
    - a. Brief explanation (history and purpose)
- C. The test
  - 1. Does a citizen feel free to leave: or not to respond to police questions?
  - 2. Factors
    - a. Police tell citizen not to leave
    - b. Police move citizen to question him/her
    - c. Police hold citizen's possessions, i.e. driver's license
    - d. Police are in uniform
    - e. One police officer or more than one
- D. Examples

1. Policeman says, "Hello. What's going on?"
2. Same facts but citizen is in a high-crime area, and police have a report of a crime having been committed.
3. Vehicle stop. Is driver free to leave? What about passengers? Sly gestures are made.
4. Group profiles, e.g., drug courier profile, racial profile

E. Procedure to raise Fourth Amendment violation

1. Motion to suppress

F. Juveniles

1. School searches

G. Fifth Amendment

V. Conclusion





# What is *law*? - Court Procedures

## I. Introduction

## II. What is *law*?

### A. Rules for ordered society

#### 111. Who makes the rules?

##### A. Legislative branch

1. Congress
2. State legislature
3. City council

##### B. Executive branch

1. President
2. Governor
3. Agencies

##### C. Judicial branch

1. Judges

##### D. The people (voters)

## IV. Procedures to enforce the rules

### A. Criminal {enforcement of rules by the government}

1. Police arrest and investigation
2. Judicial system
  - a. Prosecutors and defense counsel
  - b. Trier of facts (judge or jury)
  - c. Appeals

### B. Civil {enforcement of rules by citizens or government}

1. Make complaints to the government agency
2. File lawsuit to enforce rules - in court
3. Mediation/arbitration - outside court
4. Appeals

### C. Criminal trial proceedings

(See material in manual)

### D. Civil trial proceedings

(See material in manual)

## V. Conclusion

# Serving on a Jury

## I. Introduction

### II. What do jurors and juries do?

- A. Decide fact disputes In a trial
- 7. Implement constitutionally guaranteed right to trial by jury by peers
- C. Juries are an essential part of the judicial system
- D. Direct participation in government

### III. How are juries selected?

#### A. Jury Pools

- 1. Court sends out jury duty notices
- 2. Sources used for juror lists
  - a. Voter rolls; OMV records
- 3. Qualifications, exemptions, and excuses for jury service

#### B. Jury Panels

- 1. *Voir dire* process
  - a. Oath taken by members
  - b. Disqualifying factors
- 2. Examination of jury panel members
  - a. Conducted by judge in criminal cases
  - b. Standard questions asked in criminal case *voir dire* and reasons for those questions
  - c. Questions may be answered at side bar if necessary to accommodate privacy concerns
  - d. Lawyers have a right to *voir dire* the jury in civil cases

#### C. Cause Challenges

#### D. Preemptory Challenges

#### E. *Batson* Challenges

### IV. Role of jurors during trial

- A. Listen to testimony (May take notes, etc.)
- B. Judge credibility of witnesses
- C. Draw inferences from direct and circumstantial evidence
- D. Not to form an opinion nor discuss case until submitted
- E. Listen to and apply court's instructions on the law

## V. Role of jurors during deliberations

A. Criminal standard: People's burden is to prove crime elements "beyond a reasonable doubt"

B. Civil standard: In most civil cases, the burden of proof is preponderance of the evidence

## VI. Conclusion

# You be the Judge

- I. Introduction
- II. Allow students to express their understanding of a judge (duties, functions, responsibilities)
- III. Explain what it means or is to be a judge
- IV. Read real life case scenarios to students
  - A. Change names of parties
  - B. Modify cases in order to fit within allotted time
- V. Allow students to act as judges
  - A. Solicit their rendition of the facts
  - B. Ask them to render judgment based on the facts
  - C. Provide students with applicable law
- VI. Tell students how the courts ruled in the cases
  - A. Compare/contrast courts' judgments with students' findings
  - B. Seek commentary from students regarding courts' judgments
- VII. Conclusion

# Criminal Trial

**(The manual contains an outline of criminal court proceedings.)**

I. Introduction

II. Discuss criminal trial

- A. Distinguish between civil trial
- B. Urge students to give their views of a criminal trial
  - 1. Use examples of criminal matters

III. Present students with a criminal case scenario

- A. Use a simple case
- B. Change the names of the party(ies)

IV. Ask students to identify the prosecutor and the defendant(s)

V. Explain the steps in adjudicating a criminal matter (Encourage students' participation)

- A. Apply the case scenario that you read to this discussion
- B. Begin with investigation and/or arrest
- C. End with sentencing

VI. Conclusion

# You be the Attorney

I. Introduction

II. Discuss the functions and duties of lawyers in criminal and civil cases

A. Identify the names for attorneys

1. prosecutor
2. defense attorney
3. plaintiffs attorney

III. Distribute to students facts from a criminal or civil case (Only the facts, not the judgments.)

IV. Divide students into two equal groups, if possible

- A. One group will serve as prosecutor or plaintiff's attorney
- B. Other group will serve as defense attorney

V. Permit students time to read scenario

VI. Each side is to present problems of the case, if any

VII. Each group will present its arguments

VIII. Tell students how judge ruled

- A. Discuss *in* relation to the case presented by the students

IX. Conclusion

# Mediation

## Scenario

Jane Smith bought a building that she uses as her flower shop. Next door to Jane's shop is a hardware store owned by Bob Jones. Before Jane bought her building and began her business, Bob had built a fence that was on 1 ½ feet of what is now Jane's property. According to Jane, the fence limited the parking spaces for her customers. Jane stated that after several attempts to get Bob to remove the fence, she destroyed the fence with a bulldozer. Bob is now outraged, and he wants Jane to replace the fence at a cost of \$550.00.

## Lesson

Explain that students will mediate this case. The judge will serve as the mediator, and two students will act as the disputants. Tell students that the mediator does not make a decision in the case. The judge's role is to help the disputants reach an agreement.

- I. Mediator explains that in mediation, the two parties will make their own agreement. They must not interrupt each other. If the need arises, the mediator will talk to each party separately.
- II. The mediator asks each disputant to define the problem as he or she sees it and express feelings about it.
- III. Each disputant defines the problem and expresses feelings about it.
- IV. The mediator restates views of both disputants. The mediator asks questions to clarify issues.
- V. The mediator asks disputant #1 if he or she has a proposed solution for the problem. The mediator then asks disputant #2 if he or she agrees. If not, the mediator asks disputant #2 for a proposed solution and asks disputant #1 if he or she agrees.
- VI. If there is an agreement, the mediator restates the agreement to make sure



both disputants approve.

VII. If no agreement is reached, then the mediator talks to each disputant separately, asking how he or she is willing to solve the problem. Then the mediator brings them together and asks them to offer their solutions. The mediator will restate the agreement if an agreement is reached.

## Questions for Class

1. How does a mediator compare with a judge?
2. (For the disputants) Did they feel that they were treated fairly?
3. How did they feel about the process?
4. Was a solution reached? What was it?
5. Discuss the advantages and disadvantages of mediation. What types of conflicts are better suited for mediation as opposed to court proceedings?

# Search and Seizure

## I. Introduction

## II. Ask students what are "rights?"

- A. Ask if they have any rights
- B. Where do these rights originate?
  - 1. School rules
  - 2. Parents
  - 3. Constitution

## II. Discuss the Fourth Amendment

- A. Apply to school setting
- B. Have students to recognize the responsibilities of school administrators that may conflict with students' Fourth Amendment protections

111. Present students with a scenario in which a student or his property is searched

## IV. Ask questions to begin and maintain a meaningful discussion

## V. Conclusion