

TEACHING TOOLS: NYS UNIFIED COURT SYSTEM

ELEMENTARY SCHOOL INTRODUCTION

This set of four projects was developed to create a series of teaching tools geared toward elementary students in grades 2 through 5. Drawing on concepts from the core curriculum, with a focus on Social Studies Standards 1 and 5, these projects were developed to help students better understand the role of the judiciary in our society and master the fundamental concepts of justice and fairness.

1. “The New York State Unified Court System Activity Book” is directed toward implementing a basic understanding of civic values, government, citizenship and civic life. Students will use challenging but fun worksheet activities to explore the people, places and processes involved in running the New York State Unified Court System. The activities can be used with various age levels and modified according to background information that is provided to the students.
2. “Court Tours: Learning From a Visit to the New York Courts” is suggested to maximize students’ learning about our justice system and provide a practical focal point for students learning about the concepts and themes involved in civic values and local government. Questionnaires and follow-up activities will help students process the information learned on the field trip.
3. “The Mock Trial of Doctor DeSoto v. the Fox” provides an interdisciplinary approach to the legal process. The series of lessons leading up to the mock trial introduce fundamental concepts of civic values and the role of government. These lessons emphasize the opportunities for participation in the justice process, as emphasized by the participatory nature of the various activities involved in the lessons.
4. In the event that the mock trial is not integrated as part of the classroom curriculum, the “Courtroom Club” extracurricular activities would allow interested students to pursue the Doctor DeSoto v. the Fox lessons and mock trial in an informal setting. Even if the mock trial has been used as part of the classroom format, the Club setting would permit more in depth discussion of the various concepts and procedures involved in the justice system.

All or part of these projects may be used at the teachers’ discretion, as some may not be appropriate for every age level. We hope that each component will prove useful in educating students regarding the legal system, and that teachers will choose to use these materials to implement the lessons mandated by the Social Studies core curriculum.

ACKNOWLEDGMENTS

Along with the individuals specifically acknowledged within the various teaching tools that they helped author, the Unified Court System wishes to generally acknowledge the assistance of the following:

Law, Youth and Citizenship Program of the New York State Bar Association and the New York State Education Department.

Thomas O'Donnell, former Director of Project P.A.T.C.H. and retired educator.

Farrar, Straus and Giroux, LLC, publisher of the story, "Doctor DeSoto," by William Steig, a story upon which the elementary school mock trial scenarios are based.

TEACHING TOOLS: NYS UNIFIED COURT SYSTEM ELEMENTARY SCHOOL LEVEL

The New York State Unified Court System Activity Book*

LEARNING CONTEXT

Purpose:

The purpose of these activities is to provide 2nd through 5th grade elementary students with challenging but fun worksheet activities that explore the people, places and processes involved in running the New York State Unified Court System. The activity book was designed to support and enhance elementary school students' knowledge and understanding of the content required by New York State's social studies learning standards (especially standards 1 and 5), as promulgated by the new core curriculum and the accompanying concepts and themes.

Grade Level:

Intended for grades 2 through 5

Learning Standard:

Social Studies Standards 1 and 5

Core Curriculum (excerpted from the Social Studies Resource Guide with Core Curriculum):

These activities address the core curriculum concepts and themes that relate to civic values, government, citizenship and civic life. Students study about the rights and responsibilities of citizenship in their communities (grade 2). As they learn about communities throughout the world, they begin to compare the roles of citizenship and the kinds of governments found in various world communities (grade 3). The in-depth study of local government will emphasize the structure and function of the different branches and the roles of civic leaders. By participating in school activities that teach democratic values, students develop a sense of political efficacy and a better understanding of the roles of supporters and leaders. They expand their civic concepts of power, equality, justice, and citizenship as they learn about local government (grade 4). Students then build on and reinforce civic values and historic and political content learned about the United States by comparing and contrasting their government to that of other nations. Concepts such as civic life, politics, and government can be used to answer questions about what governments can and should do, how people should live their lives together, and how citizens can support the proper use of authority or combat the abuse of political power (grade 5).

* Developed with the assistance of Paula Bienia, Elementary Social Studies Coordinator, Northport-East Northport School District

Concepts/Themes:

- Understanding how every citizen is entitled to participate in local, state and national government by voting and may be required to participate in other ways, such as through jury service.
- Understanding the role of government in meeting the needs and wants of communities.
- Understanding how elected and appointed leaders make, enforce and interpret the law.
- Understanding and examining how rules and laws are developed to govern conflicts.
- Examining how government protects the rights of individuals and promotes the common good.

Prior Knowledge:

Knowledge needs will vary among different age groups. Teachers should be familiar with the activity options and select age/grade appropriate activities for their students, possibly after providing background information in lesson form.

PROCEDURE AND REFLECTIONS

The activity book can be used as a springboard for teaching about justice, civic values, government, citizenship and the courts. You may wish to use it to improve your students' knowledge of the social studies core content you will cover in class. The activity book will provide students with enjoyable ways to enhance their knowledge of our courts and justice system. It may also be used as a foundation for preparation for a field trip to a New York State court.

Teachers may vary the difficulty of some of the activities. For example, for higher grade levels, teachers may omit the word bank from the "scramble" and "fill-in-the-blank" activities.

Special Message to Teachers

The activities within each Teaching Tool are designed to build on each other to, first, develop students' knowledge of basic law-related concepts; then, show students how the concepts are utilized or implemented in the court system; and, finally, demonstrate how students should apply the concepts in their everyday lives. However, the various activities that comprise each tool may also be used as stand-alone exercises. For example, you may choose to incorporate only Day 1 or Day 3 into your course work. Or, you may choose to use Day 1 in connection with one unit and then use Day 2 in a later unit.

There is more than one way to utilize the Teaching Tools – the proper use is the use that is beneficial to your classroom.

Name: _____

Date: _____

VOCABULARY WORD SEARCH

Directions: The words below are in the Word Search Puzzle, written across and up-and-down. How many of the words can you find?

appeal
attorney
clerk
civil
complaint

court
damages
defendant
deliberation
evidence

gavel
judge
jury
oath
plaintiff

prosecutor
sentencing
trial
verdict
witness

T A D E L I B E R A T I O N
R E S I P E U G A V E L N P
U W V N R C J D E C B A I L
T I A H O N D U N D A E N A
C T R O S E L J R E L P A U
J N D N E D L O N Y O P A R
U E I E C I I W A R R A N T
D S C S U V E R D I C T M E
G S E N T E N C I N G N I T
Y E N R O T T A T A C A S E
O C U O R T O R D E R D T S
A O A T H T I H O N O N R T
C L E R K A P P O I N E I I
C O M P L A I N T I F F A F
O J U D I T H S K A Y E L Y
P T R I E S E G A M A D E R

Name: _____

Date: _____

VOCABULARY WORD SCRAMBLE

Directions: Unscramble the vocabulary words listed below.

- | | | | |
|-----------|-------|--------------|-------|
| 1. cviil | _____ | 11. redvitc | _____ |
| 2. yruj | _____ | 12. ynoem | _____ |
| 3. erimc | _____ | 13. ljai | _____ |
| 4. haot | _____ | 14. nortatye | _____ |
| 5. raitl | _____ | 15. reywal | _____ |
| 6. vlega | _____ | 16. swintse | _____ |
| 7. ealpap | _____ | 17. lytiug | _____ |
| 8. geduj | _____ | 18. tennncoi | _____ |
| 9. relkc | _____ | 19. hturt | _____ |
| 10. tcruo | _____ | 20. enstceen | _____ |

WORD BANK:

appeal	judge
attorney	jury
civil	lawyer
clerk	money
court	oath
crime	sentence
gavel	trial
guilty	truth
innocent	verdict
jail	witness

Name: _____ Date: _____

VOCABULARY FILL-IN-THE-BLANK

Directions: Use a New York State Court System vocabulary word to complete the sentences below.

1. Every criminal defendant is _____ until proven guilty.
2. Witnesses take an _____ and swear to tell the truth.
3. After the jury deliberates, the judge will ask the jury to announce its _____.
4. Every criminal defendant is entitled to be represented by an _____.
5. A civil suit is started when a plaintiff files a _____.
6. A _____ is the attorney who conducts a trial against a criminal defendant.
7. When the judge tells the defendant the amount of time that the defendant must go to jail, the judge pronounces the _____.
8. If the judge has a research question, the judge can ask his law _____ for help.
9. At a trial, attorneys use witnesses to present _____ to the jury.
10. The highest court of the State of New York is not a trial court; instead, it is an _____ court.

WORD BANK:

appellate	innocent
attorney	oath
clerk	prosecutor
complaint	sentence
evidence	verdict

Name: _____

Date: _____

VOCABULARY WORD MATCH

Directions: Match each vocabulary word from the word bank with its definition, provided below.

WORD BANK:

appeal	court	guilty	prosecutor
attorney	crime	judge	sentence
clerk	defendant	jury	trial
civil	deliberate	oath	verdict
complaint	evidence	plaintiff	witness

1. the individual charged with a crime _____
2. the legal process that uses a jury to determine who wins a lawsuit _____
3. a person that testifies at trial _____
4. lawyer _____
5. the information presented at trial _____
6. the place where a trial or appeal takes place _____
7. to consider all the evidence presented _____
8. a person who presides over the court _____
9. the decision of the jury _____
10. the person who conducts a criminal trial _____

11. what a defendant is accused of _____
12. a group of citizens that examines evidence _____
13. a witness swears to tell the truth _____
14. the jail term the defendant must serve _____
15. a case between people, usually over money _____
16. if the defendant is not innocent _____
17. the person who brings a civil case _____
18. continuing the case to see if the trial
result was wrong _____
19. assists a judge with court details _____
20. the paper filed to begin a civil case _____

Name: _____ Date: _____

ACROSTIC POETRY

Directions: Use each letter as the first letter of a word or phrase. When all of the lines are filled in and read one after the other, the result should be a poem that describes what judges do and how they help us.

JUDGES

J

U

D

G

E

S

Name: _____ Date: _____

VOCABULARY WORD GAME

Directions: Read the clue for a hint as to the answer to the word game. Use New York State Court System vocabulary words to fill in each sentence. Make a list of the designated letters. Then, unscramble the designated letters to find the answer to the word game.

1. CLUE: This is how the jury found the defendant who told jokes on the witness stand.

A person who breaks the law commits an () _ _ _ () _ _ act.

A court is the place where a () _ _ _ () occurs.

The _ () _ _ _ always has the last word.

RIDDLED WITH _ _ _ _ _ !

2. CLUE: This is the result of jury deliberation.

A guilty defendant goes to () _ () _ .

The _ () _ _ _ () _ is the decision of the jury.

Criminal defendants defend against the _ _ _ () _ _ () () _ _ .

CAREFUL _ _ _ _ _ .

Name: _____

Date: _____

COURTHOUSE MATH

Directions: Answer the questions with the proper numbers. If correct, your answers will add up to the total displayed.

	How many Chief Judges are there in the State of New York?	_____
+		
	What is the smallest number of jurors allowed in a criminal trial?	_____

		7

	How many levels of appellate courts are there in the State of New York?	_____
+		
	How many judge positions are there on the New York State Court of Appeals?	_____

		9

TEACHING TOOLS: NYS UNIFIED COURT SYSTEM ELEMENTARY SCHOOL LEVEL

Court Tours: Learning From a Visit to the New York Courts*

LEARNING CONTEXT

Purpose:

The purpose of this lesson is to provide a focal point for students taking a field trip to the New York State Courts and to maximize learning about our justice system.

Grade Level:

This lesson is intended for grades 4 and 5; however, it can be modified for use with other grades.

Learning Standard:

Social Studies Standards 1 and 5.

Core Curriculum (excerpted from the Social Studies Resource Guide with Core Curriculum):

These activities address the core curriculum concepts and themes that relate to civic values, government, citizenship and civic life. The in-depth study of local government will emphasize the structure and function of the different branches and the roles of civic leaders. By participating in school activities that teach democratic values, students develop a sense of political efficacy and a better understanding of the roles of supporters and leaders. They expand their civic concepts of power, equality, justice, and citizenship as they learn about local government (grade 4). Students then build on and reinforce civic values and historic and political content learned about the United States by comparing and contrasting their government to that of other nations. Concepts such as civic life, politics, and government can be used to answer questions about what governments can and should do, how people should live their lives together, and how citizens can support the proper use of authority or combat the abuse of political power (grade 5).

Concepts:

- Understanding how every citizen is entitled to participate in local, state and national government by voting and may be required to participate in other ways, such as through jury service.
- Understanding the role of government in meeting the needs and wants of communities.
- Understanding how elected and appointed leaders make, enforce and interpret the law.
- Understanding and examining how rules and laws are developed to govern conflicts.
- Examining how government protects the rights of individuals and promotes the common good.

*Developed with the assistance of Paula Bienia, Elementary Social Studies Coordinator, Northport-East Northport School District

Prior Knowledge:

Students should know that there are three branches of government and that the judiciary is one branch.

Procedure:

The teacher should devote adequate time to preparing the students for their field trip. The New York State Unified Court System Activity Book may be used to provide basic information to students. Information in the Appendix may also help students understand what they will see on the trip.

Special Message to Teachers

The activities within each Teaching Tool are designed to build on each other to, first, develop students' knowledge of basic law-related concepts; then, show students how the concepts are utilized or implemented in the court system; and, finally, demonstrate how students should apply the concepts in their everyday lives. However, the various activities that comprise each tool may also be used as stand-alone exercises. For example, you may choose to incorporate only Day 1 or Day 3 into your course work. Or, you may choose to use Day 1 in connection with one unit and then use Day 2 in a later unit.

There is more than one way to utilize the Teaching Tools – the proper use is the use that is beneficial to your classroom.

Helpful Information:

- Schedule your field trip date and time with the court you will visit, and reserve buses for your trip; don't forget to make arrangements for any students with disabilities or limited English proficiency.
- Obtain a copy of the Juror's Handbook and Structure of the Courts and familiarize your students with the structure of New York State Courts and what occurs at trial.
Call the Office of Court Administration at (212) 428-2500 or see the Office of Public Affairs website, at www.courts.state.ny.us
- Send a copy of the Questionnaire and list of Activity Topics to the person at the court who will be conducting the field trip.
- Ask the person conducting the tour to assist in making an appointment for a judge to speak with your students while they are on the field trip.
- Obtain a copy of "Your Turn," the New York State Unified Court System's video on jury duty, from your Superintendent of Schools and show it to the students.
- Make copies of all worksheets -- if possible, students should have completed the New York State Unified Court System Activity Book prior to the field trip.
- Teach the proper vocabulary to your students – see the Appendix.
- Discuss the various careers in the courts -- see the Appendix.

- Simulate what your students will see on the field trip; if possible, complete the “Virtual Courthouse Tour” on the Office of Public Affairs Web Page.

Assessment:

Students should complete their New York State Unified Court System Activity Books before the field trip and share their results. A debriefing after the trip should help them process the new information learned on the trip.

For assessment purposes, students should spend time writing a thank you letter to one of the court employees they met on the trip and completing the questionnaire (attached). Students may also be assigned an activity idea (attached) to complete.

Assessment may be based on enthusiasm for what was learned on the trip, as well as on the amount of correct answers given on the questionnaire and in the activity selected.

14. What is the name of the highest Court in New York State?

15. Describe something that you learned on your trip to the court that you did not know before.

**ACTIVITY TOPICS:
NEW YORK STATE COURTS**

Please choose one of the following activities to help show what you learned on your field trip to a New York State court.

1. If you could choose a career in the New York State court system, which job would you choose and why would you choose it? Please give several reasons for your answer.
2. Use a flowchart to describe the New York State civil court system. Describe what the courts at different levels do.
3. Name three different reasons why a person would have contact with the court system. Describe the different processes involved with each reason.
4. Draw a cartoon depicting your visit to the Court.
5. Write an acrostic poem using the words "New York State Courts".
6. Write or create a rap about how the courts help the citizens of New York.
7. Research the current Chief Judge of the State of New York. Describe five important facts about the Chief Judge.
8. Describe the education and experience needed to become a judge. Be sure to specify the type of judge you are discussing.
9. Give an oral presentation on the various careers in the New York State court system.
10. Present a skit about something you learned on your field trip.

APPENDIX

The following information may help students understand what they will see during their visit to a court:

Context:

- (1) the court may be a civil court or a criminal court -- civil cases involve private citizens or companies suing each other, and the result is usually that the losing party has to pay an amount of money to the winning party; criminal court involves the People of the State (through the prosecutor's office) accusing a person of breaking a law, and if that person is found guilty, the result usually is a jail sentence
- (2) the court may be a trial level court or an appellate court -- both civil and criminal cases may be heard at the trial level or at the appellate level; the appellate courts have the power to overturn the trial courts' decisions if those decisions are found to be wrong and the losing party from the trial appeals the decision;
- (3) the court may have more than one judge -- appellate courts utilize multiple judges;
- (4) the court may or may not use a jury -- typically, small claims courts do not use juries; even if you appear in a court that usually utilizes juries, you may choose to use only the judge instead (called a bench trial).

Vocabulary:

attorney	In any criminal or civil trial, a person is usually represented by an attorney. In a criminal trial, the <u>prosecutor</u> represents the interests of the People of the State of New York; the <u>defense attorney</u> represents the criminal defendant, the person accused of committing a crime. Attorneys are also called lawyers.
complaint	In a civil trial, the filing of the complaint begins the action. In the complaint, the plaintiff (the person bringing a civil suit) lists all the improper acts allegedly committed by the defendant.
damages	In a civil trial, the usual result is an award of money to the winner. This amount is termed the damages award.
defendant	The person accused of breaking the law in a criminal trial or of committing improper acts that caused damages in a civil trial.
defense	The defendant is permitted to demonstrate that he or she did not break the law or perform the acts alleged.
deliberation	The process where the jury considers all the evidence presented to it in order to determine who wins the case.

evidence	The facts about a case that are discussed during the trial.
gavel	The wooden object a judge holds in his or her hand to help maintain order.
jury	Several people selected by the attorneys to decide issues of fact. They must pay close attention to the evidence presented by both sides and decide on a verdict, which is the decision of whether the defendant is guilty or not guilty.
oath	The oath is administered by a court clerk or officer to each witness before the witness testifies. “Place your left hand on the Bible and raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, and nothing but the truth?”
plaintiff	The person who files a civil suit.
prosecutor	In a criminal trial, the attorney who represents the People of the State of New York and conducts the trial against the criminal defendant.
sentencing	In a criminal trial, if the defendant is found guilty, the judge will pronounce the sentence, which indicates how much jail time (or probation) the defendant will serve and/or how much of a fine the defendant must pay.
trial	The legal process by which civil or criminal cases are resolved.
verdict	The decision of the jury regarding who wins the case. The jury presents the verdict when they are asked by the judge.
voir dire	The process by which the attorneys select the jurors who will serve on the jury for a particular case.
witness	Witnesses assist attorneys by testifying and providing evidence about the case. The information is used by the jury to determine whether the defendant is guilty.

Careers in the Courts:

Judge	The person who presides over the Court, decides issues of law, and ensures that justice is carried out in the courtroom.
Court Officer	Makes sure the courthouse is safe for everyone, including visitors to the court.
Court Reporter/ Stenographer	Records all proceedings that take place in the courtroom.
Court Clerk	Gives the oath to witnesses and assists the judge in keeping order in the court.

Court Interpreter	Assists people who appear in court if English is not their primary language.
Law Clerk	Works very closely with one judge on cases that are at the court and performs legal research for the judge regarding the cases.
Secretary to Judge	Assists the judge by typing the judge's decisions and performing other related functions.
Court Attorney	Assists many judges in a courthouse by performing legal research.
Law Librarian	Assists the judges, law clerks and court attorneys with legal research and keeps the court's law books in order.
Court Analyst	Assists the court clerk with paperwork regarding the various cases filed at the court.

Structure of the Courts:

(Appellate Courts)

Court of Appeals

Appellate Division
of the Supreme Court

Appellate Term
of the Supreme Court

(Trial Courts)

Supreme Court

Court of Claims

Family Court

Surrogate's Court

Courts of local jurisdiction in NYC:

Criminal Court
Civil Court

Courts of local jurisdiction outside NYC:

County Court
City Court
District Court
Town & Village Court

TEACHING TOOLS: NYS UNIFIED COURT SYSTEM ELEMENTARY SCHOOL LEVEL

The Mock Trial of Doctor DeSoto v. the Fox: An Interdisciplinary Approach to Understanding the Legal Process*

LEARNING CONTEXT

Purpose:

The purpose of this activity is to provide elementary school students with an understanding of how the legal system is designed to achieve justice by protecting the rights of the accused and, at the same time, providing the rest of society with the tools to maintain a safe and fair society.

Grade Level:

3rd and 5th Grades

Learning Standard:

Social Studies Standard 1 and 5

Core Curriculum (excerpted from the Social Studies Resource Guide with Core Curriculum):

These activities address the core curriculum concepts and themes that relate to civic values, government, citizenship and civic life. As students learn about communities throughout the world, they begin to compare the roles of citizenship and the kinds of governments found in various world communities (grade 3). They build on and reinforce civic values and historic and political content learned about the United States by comparing and contrasting their government to that of other nations. Concepts such as civic life, politics, and government can be used to answer questions about what governments can and should do, how people should live their lives together, and how citizens can support the proper use of authority or combat the abuse of political power (grade 5).

Concepts/Themes:

- Understanding how every citizen is entitled to participate in local, state and national government by voting and may be required to participate in other ways, such as through jury service (Elementary and Intermediate Levels).
- Understanding and appreciating the role of government in meeting the needs and wants of communities (Elementary and Intermediate Levels).
- Understanding how elected and appointed leaders make, enforce and interpret the law (Elementary and Intermediate Levels).

*Developed with the assistance of Linda Skidmore, Teacher, LEAD Program, Northport-East Northport School District and Hon. Richard Lee Price, Judge of the New York City Civil Court and Acting Supreme Court Justice

- Understanding and examining how rules and laws are developed to govern conflicts (Elementary and Intermediate Levels).
- Analyzing the sources of the nation’s values as embodied in federal and state constitutions and statutes and appreciating the principles, ideals and core values of our democracy (human dignity, liberty, justice, and equality) (Intermediate Level).
- Examining how government protects the rights of individuals and promotes the common good (Elementary and Intermediate Levels).
- Analyzing how our government is premised on majority rule that simultaneously protects minority rights (Intermediate Level).

Prior Knowledge:

All student participants should have read Doctor DeSoto, by William Steig, published by Farrar, Straus and Giroux, LLC.

Students should also be familiar with the purpose of a trial. The list of terms and definitions from the Day 2 lesson plan should be provided to the students for review. It may be helpful to complete the New York State Unified Court System Activity Book and visit a local court for a tour or, at least, take the OCA virtual courtroom tour.

Students should understand basic civic values, such as justice, due process, equality, fairness, majority rule, and respect for minority rights, as expressed in the constitutions and laws of the United States.

Assessment:

Assessment will depend on which exercises the teacher chooses to utilize. The teacher will be able to tailor assessment to fit the exercises chosen and the abilities of the students involved.

If the teacher chooses to perform all of the exercises, culminating in a mock trial, the mock trial should be videotaped for debriefing. However, the mock trial should not weigh heavily in the assessment, as teachers will be able to evaluate how much the students have learned from the previous classroom exercises and from the final assessment exercises.

PROCEDURE

Doctor DeSoto v. the Fox is an interdisciplinary, peer education program involving different grade levels in an elementary school. This activity allows students to work together to make decisions and to use critical and creative thinking skills. Fifth grade students will conduct a mock criminal trial based on the characters from the story of Doctor DeSoto, by William Steig, published by Farrar, Strauss and Giroux, LLC. Third grade students will serve as jurors, prepared by the fifth graders in a peer taught jury selection activity.

This learning experience may involve at least 10 class periods of 30-40 minutes, however, teachers who do not wish to devote two weeks to the activity may choose to utilize one or two days worth of exercises to teach a specific aspect of the trial process. For example, Day 3 involves an exercise that teaches students how to determine and discuss relevant facts. Days 6 and 7 teach an appreciation for our jury system.

If the teacher chooses to utilize all of the exercises, the culminating activity will be the mock trial, which may be presented to parents and other interested students in the school. Teachers will need an additional 15-30 minutes of preparation for each day, depending on their knowledge of the law.

Teachers should also plan for one half hour to conduct each mock trial and for an assessment time of approximately one hour.

Special Message to Teachers

The activities within each Teaching Tool are designed to build on each other to, first, develop students' knowledge of basic law-related concepts; then, show students how the concepts are utilized or implemented in the court system; and, finally, demonstrate how students should apply the concepts in their everyday lives. However, the various activities that comprise each tool may also be used as stand-alone exercises. For example, you may choose to incorporate only Day 1 or Day 3 into your course work. Or, you may choose to use Day 1 in connection with one unit and then use Day 2 in a later unit.

There is more than one way to utilize the Teaching Tools – the proper use is the use that is beneficial to your classroom.

Day 1

Review the Doctor DeSoto story. “Doctor DeSoto” is about a mouse dentist who treats a Fox and tricks the Fox into not eating Doctor DeSoto and his wife. Discuss the part of the story where the DeSotos must decide whether to let the sick Fox in for treatment – a moral decision. Ask students to select a point of view and advise Doctor DeSoto as to the proper decision. Possible viewpoints for them to consider include: their own, another dentist, a judge, a religious adviser. Have students share their viewpoints with the class.

Discuss the part of the story where Doctor DeSoto insists that he will finish the job that he has started – a rule that his father taught him. Ask students to discuss rules that they have learned from their families or friends and to provide examples of when they have followed those rules.

Students must understand that every community has rules by which its people must live. These rules are called laws. Some laws are made by the community, some by the county, some by the state, and some by the federal government. All of the people in a community must live according to its laws, but laws are not necessarily the same in all communities.

You must know the laws in your own community and obey them. There are laws that protect you and your property. There are laws for your protection when driving a car. There are also laws that protect public property -- parks, schools, libraries, and other property owned by the community. Some laws that you will find in every community are listed below:

Do not hurt other people.

- Do not damage things that belong to other people.
- Do not take things that belong to other people.
- Do not damage things that are public property.
- Do not take things that are public property.
- Do not go into places that belong to other people without their permission.
- Do not drive faster than the speed limit permits.

Provide the new ending to the Doctor DeSoto story:

Imagine that the story has a new ending –

The Fox was very angry that Doctor DeSoto and his wife tricked the Fox into not eating the DeSotos. One night, when the DeSotos were having a dinner party, someone threw two huge rocks through their dining room window, breaking the window.

Mrs. DeSoto ran to the window and is certain that she saw the Fox standing behind a tree on the front lawn. She recognized the green jacket that the Fox had worn to the dentist’s office. Doctor DeSoto called the police and reported that rocks were thrown into their home at about 7:00 p.m.

The police arrested the Fox later that night. They charged the Fox with vandalism – the destruction of somebody else’s property.

The Fox says he was in his own home with his friend, the Cow, at the time of the window breaking incident. The Cow agrees that he was with the Fox at the time the rocks were thrown. The Cow says he was at the Fox’s home from about 7:00 - 10:00 p.m. that night.

Discuss the fact that it is morally wrong to damage someone else’s property, such as by throwing rocks through a window. Explain that the laws of the State of New York make such acts of vandalism illegal anywhere in the State. One role of the government is to help protect people, so

the government has created laws against vandalism because individuals want to know that their personal property is protected.

As an example, read to the students the following modified excerpt from the New York State Penal Law that addresses vandalism (Section 145.00 - Criminal mischief in the fourth degree):

A person is guilty of [vandalism] . . . when having no right to do so . . . he . . . intentionally damages property of another person.

Explain that trials are the method we use to determine whether someone has done something that is illegal or is improper according to our laws. There are criminal trials and civil trials. When the police arrest someone for committing an illegal act, a criminal trial occurs. The result may be that the person arrested serves a sentence in prison. When a citizen sues another citizen and no arrests are involved, a civil trial occurs. The result may be that the person who is sued must pay an amount of money to the person who brought the suit to make up for any wrongdoing.

Using the DeSoto example, a criminal trial could occur because the police arrested the Fox and charged him with a crime, vandalism. However, a civil trial could also occur if the DeSotos decided to sue the Fox to make him pay for the damage that they think he caused to their window.

An example of a civil trial that may be easier for the students to follow is set forth below:

The Jones family owns a goldfish, Tootsie, which lives in a glass bowl on a table in the Jones family apartment. One day, the landlord sees Tootsie. He also sees stains on the floor below the table on which Tootsie's bowl sits. The landlord does not want any pets in his building because he thinks pets damage the apartments. He thinks Tootsie's water has stained the floor of the apartment. He tells the Jones family to get rid of Tootsie or move out of the apartment. The Jones family thinks it is ridiculous that they cannot have a fish, and the Jones family refuses to get rid of the fish and refuses to leave the apartment. The landlord sues the Jones family to try to make them move out of the apartment. He also sues them to cover the cost of replacing the stained floor.

Students should understand that no laws were broken in this case, but the landlord believes that the Jones family has wronged him. Accordingly, the landlord is able to bring a civil suit against the Jones family. However, if there were laws against having pets in apartments, the government would be able to bring a criminal suit against the Jones family.

Setting up the Mock Criminal Trial

Explain to the students that the next few days will be spent working on exercises related to the mock criminal trial of the Fox. The trial will take place in front of a judge and jury to decide whether the Fox is guilty of throwing rocks through the DeSotos' window. The prosecution must provide evidence that the Fox is the one who threw the rocks. The prosecution will ask Mrs. DeSoto to testify that she saw the Fox outside of her home when the rocks were thrown. The defense will provide evidence that the Fox was not the one who threw the rocks. The defense attorney wants to create "reasonable doubt" in the minds of the jury, meaning that at least some of the jury members will think that the Fox did not throw the rocks. To prove this point, the defense will ask the Cow to testify that the Fox was home when the rocks were thrown.

Ask the students to review the terms and procedures list that was provided and to be prepared to ask questions on Day 2 about any that they do not understand.

Day 2

Review the terms and procedures provided to the students (see attached), and answer any questions about these terms and procedures. If there is time, the Unified Court System Juror's Handbook and its video on jury duty, "Your Turn," can be used to review the list of court procedures.

Students should be able to associate the terms and procedures with what is going to happen in the mock trial.

If the students have not taken a court tour or completed the OCA virtual courthouse tour, complete the virtual courthouse tour with them. If time permits, go to www.nysba.org.lyc/LYC.html and click on "Mock Trial Tournament Materials" to help introduce trial procedure.

TERMS AND PROCEDURES

Terms:

JUDGE	The head of the court, decides issues of law, and ensures that justice is carried out in the courtroom.
EVIDENCE	The facts about a case that are discussed during the trial.
DEFENDANT	In a criminal trial, the person arrested and charged with a crime.
PROSECUTOR	Represents the interests of all of the People of the State of New York through their government. Attempts to prove beyond a “reasonable doubt” that the defendant is guilty of the crime. This means that the prosecutor must provide enough evidence to show that the person arrested actually committed the crime.
DEFENSE ATTORNEY	Represents the rights of the defendant. Attempts to show through evidence at trial that the defendant is not guilty. Every criminal defendant is entitled to a defense attorney to show that the defendant is innocent until proven guilty.
WITNESSES	Assist lawyers by testifying and providing evidence about the case. The information is used by the jury to determine whether the defendant is guilty.
CLERK	Gives the oath to witnesses and assists the Judge in keeping order in the court.
OATH	“Place your left hand on the Bible and raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, and nothing but the truth?”
JURY	Several people selected by the attorneys to decide issues of fact. They must pay close attention to the evidence presented by both sides and decide on a verdict, which is the decision of whether the defendant is guilty or not guilty.
COURT OFFICER	Makes sure the courthouse is safe for everyone, including visitors to the court.

Procedures:

CALL TO ORDER	The clerk calls the court to order and everyone stands as the judge enters room.
OPENING STATEMENTS	

The attorneys for both sides introduce themselves to the jury and explain what the trial will be about and what facts they intend to prove.

DIRECT
EXAMINATION
(PROSECUTION)

The prosecution calls witnesses to question them about the facts of the case.

CROSS
EXAMINATION
(DEFENSE)

The defense attorney also questions the same witnesses and attempts to show that the testimony is inaccurate, false, or could actually demonstrate that the defendant did not commit the crime.

DIRECT
EXAMINATION
(DEFENSE)

The defense attorney questions different witnesses to show that the defendant did not commit the crime.

CROSS
EXAMINATION
(PROSECUTION)

The prosecution questions the defense witnesses to try to show that their testimony is inaccurate or false.

CLOSING
STATEMENTS

Both attorneys summarize the facts of the case as they see them. The defense attorney

goes first; the prosecution closes last.

JURY CHARGE	The judge instructs the jury as to what law applies to the case.
JURY DELIBERATION	The clerk takes the jury to the jury room, where they discuss the case and decide whether the defendant is guilty.
VERDICT	The jury foreman reads the verdict to the judge to announce the decision of the jury.
SENTENCING	If the defendant is found guilty, the judge will pronounce the sentence.

Day 3

Select several age appropriate newspaper articles that depict conflicts or will foster discussions involving different points of view. Explain that the class will discuss issues in a conversational context as practice for discussion of issues in a “courtroom” context.

Divide the class into groups of three to practice listening, fact finding, and communication skills. Give each group of students an article. One student will not read the article but will listen to the two other students (who have read the article) stand up and take turns presenting one of the different points of view reported in the newspaper article. The listener will then explain to the presenters what he/she believes are the important facts and the conflict in the issues they presented. The three students should read the article together and come to an agreement on the important facts. One person selected by the group will stand up and explain the facts and the issue to the rest of the students.

Day 4

Briefly review the Doctor DeSoto story and the additional ending that sets the stage for the mock trial.

Divide the students into two teams, generally based on the students' preferences for a "side" for the mock trial -- prosecution or defense.

The teacher should explore and discuss with the students the identification of the relevant facts at issue -- that someone threw rocks into the DeSoto home, that Mrs. DeSoto thought she saw the Fox outside their home at that time, that a different witness will testify that the Fox was at his own home (and not the DeSoto home) at the time the rocks were thrown. The teacher should encourage the students to think of details that may be missing from the facts that were given in order to develop a possible theory of the case.

The theory sets the stage for the "stories" that the attorneys will tell during their opening and closing arguments. The theory also provides guideposts for asking questions during direct and cross-examinations.

Each team should settle on a theory to use as a building block for the case.

Examples of different prosecutor's theories:

The DeSoto home is located next to several street lights and has an exterior light near the front door. Their front lawn is a very bright area even at night, so Mrs. DeSoto would have always had a very clear view of anyone standing on the front lawn.

Mrs. DeSoto has seen the Fox twice at the dentist's office and knows exactly what he looks like. He always wears a green jacket, and she recognized the Fox on the front lawn by his jacket. The Cow was not at the Fox's home exactly at 7:00 p.m., so the Fox could have thrown the rocks shortly before 7:00 p.m. and still run home before the Cow arrived.

Examples of different defense theories:

Even though the DeSoto front lawn is under bright lights, the tree that the Fox was allegedly hiding behind would cast shadows. Everything happened very quickly, and Mrs. DeSoto did not spend much time looking out the window.

Mrs. DeSoto has only met the Fox twice. She doesn't really know what he looks like. Mrs. DeSoto usually wears glasses but did not have them on for the dinner party.

The Fox was with the Cow all evening. He told the Cow that he spilled something onto his favorite green jacket that morning, so he brought the jacket to the dry cleaner that day. The Fox says he then went immediately home and did not go out again because he did not have a jacket.

The teacher should explain that by simply discussing the case history and the theory of the case, the opening and closing statements take shape. The teams should choose or be assigned one theory each to build into an opening argument, as exemplified below.

The prosecutors can be assigned the theory that the outside of the DeSoto home is very bright, so Mrs. DeSoto clearly saw the Fox; the defense can be assigned the theory that Mrs. DeSoto could not have clearly seen the person standing under the tree, and the Cow confirms that the Fox was home at the time of the incident.

Prosecutor --This is a case about a Fox who was angry at the DeSoto family because they recently tricked him. In order to seek revenge, the Fox threw two rocks into the DeSoto dining room and broke a window. The evidence will show that Mrs. DeSoto looked out of her window immediately after the rocks were thrown, and she clearly saw the Fox standing beneath a street light on her front lawn. The defense will try to tell you that it was not Mr. Fox standing on the front lawn. However, Mrs. DeSoto has no reason to lie about what she saw, and she knows the Fox threw the rocks.

Defense -- This is a case of mistaken identity. Unfortunately for the DeSoto family, someone threw two rocks into their home during a dinner party and broke one of their windows. In the shock of the moment, Mrs. DeSoto looked out of her window and thought she saw someone standing in the shadows of her front lawn. Because the DeSotos know that they recently tricked the Fox, they think that the Fox broke their window. However, there is no proof that the Fox was anywhere near the DeSoto residence when the window was broken. In fact, the evidence will show that the Fox was in his own home at the moment in question. Someone else broke the DeSotos' window.

The teams should use this time to understand how the theories of the case are used in opening and closing statements and to practice delivering such statements within their groups.

Day 5

The class should again divide into the two teams from Day 4. Based on the theory they chose for practicing opening and closing statements, the teams should develop a list of ten questions that they would ask the various witnesses.

The prosecution team will have questions to ask Mrs. DeSoto about what she saw when she looked out her window after the rocks were thrown into her home.

Examples:

Was it light or dark out?

Were there any street lights or exterior house lights on?

Was anything blocking your view out the window?

What did you see?

How did you recognize the person you saw as the Fox?

Did you check what time it was when the rocks were thrown?

The prosecution team will also have questions for cross-examining the Cow.

Examples:

What time did you arrive at the Fox's home?

Did you check the clock?

What was the Fox wearing that evening?

Have you ever discussed the DeSoto family with the Fox?

Have you ever seen the Fox throw rocks?

The defense team will have questions with which to cross-examine Mrs. DeSoto about her seeing the Fox outside of her home.

Examples:

Do you need glasses to see?

Did you have them on when you looked out the window?

How many times have you ever met or seen the Fox?

How big is the tree that the Fox was allegedly standing behind?

The defense team will also have direct examination questions for the Cow.

Examples:

How long have you and the Fox been friends?

What time were you with the Fox on the night in question?

What were you and the Fox doing?

Did the Fox discuss his favorite green jacket?

At the end of this class, students should be assigned to their roles for the mock trial -- prosecution team, defense team, witness. The teams will consist of five people each, as follows:

Prosecution: Attorney for Opening Statement
Attorney to Direct Mrs. DeSoto
Attorney to Cross the Cow
Attorney for Closing Statement
Witness - Mrs. DeSoto

Defense: Attorney for Opening Statement

Attorney to Cross Mrs. DeSoto
Attorney to Direct the Cow
Attorney for Closing Statement
Witness - the Cow

Students should also decide on or be assigned a theory of the case, so they can start thinking about relevant questions. If the fifth grade class is large enough, there can be more than one mock trial, utilizing different students. In that case, the teacher should assign different theories to the different trial sets, and students will be able to appreciate how the result of a case may differ based on different evidence presented during the trial.

For example, assign Prosecution Group #1 the theory that the outside of the DeSoto home is very bright, and Mrs. DeSoto could clearly see the Fox standing behind her tree because she had her glasses on. Assign Defense Group #1 the theory that the very large tree creates shadows on the lawn. Mrs. DeSoto has only met the Fox twice, so she cannot recognize him very well.

Assign Prosecution Group #2 the theory that Mrs. DeSoto knows that the Fox always wears a green jacket, and she recognized the Fox outside of her home because she saw the jacket. Assign Defense Group #2 the theory that the Fox was at home with the Cow that evening and told the Cow that the green jacket was at the dry cleaner's.

The witnesses should know what their relevant assigned theory is and be aware of the types of questions that will be asked of them on direct and cross-examination.

Day 6

If the students have not yet seen “Your Turn,” the NYS Unified Court System’s video on jury duty, the teacher should show it.

The teacher may conduct an age-appropriate activity regarding jury selection found in the Law, Youth and Citizenship publication, *The Noblest Institution: Teaching About the Right to Trial by Jury in New York*.

The teacher should emphasize that the jury system virtually ensures that each citizen will play an important part in the justice process at least once during their lifetime. The students should take very seriously the lessons learned during these activities, since these lessons will help prepare them to participate properly in the justice system, a system that helps protect the rights of everyone. The jury system helps promote justice, fairness, and equality when individual rights are at stake. It helps preserve the very important principle that defendants are innocent until proven guilty.

The selection of the jury by attorneys is called voir dire. It offers the attorneys a chance to learn a little bit about each juror, even though the prospective jurors do not yet know very much about the case. Students must understand that the questions attorneys ask the prospective jurors relate to the facts of the case so that the attorneys can anticipate how the jurors will react to the evidence and decide the case. Attorneys should pick juries based on the answers to their questions, not on the appearance of the juror. It doesn’t matter if the juror is young or old, tall or short; what matters is that the juror will listen to the facts of the case and be fair.

Students should understand that attorneys are not permitted to discriminate against anyone on the jury. For example, this means that the reason that an attorney does not pick a certain person to act as a juror must be a reason relating to the facts of the case -- for instance, a prospective juror may state that he or she never believes defendants, no matter what the crime charged. The defense attorney may then decide not to select that juror to sit on the case. However, the attorney cannot decide against using a juror simply because of the juror’s race or ethnic identity.

The class should be divided again into the two teams from Day 4. The students should formulate questions appropriate for the “side” they represent. Students can practice acting as the attorney and asking questions of other team members in order to see how different people answer questions differently.

Example prosecution questions:

- Have you ever seen a fox?
- Do you like foxes?
- Do you own a home? Does it have windows?
- Would you let a fox into your home?
- Has anyone ever damaged your home?

Example defense questions:

Do you like dentists?

Have you ever had a toothache that the dentist couldn't fix?

Have you ever become angry with someone because they tricked you? What happened?

Do you think people are innocent until proven guilty?

Do you trust the police?

Day 7

The teacher should arrange for the fifth graders to visit a third grade class and explain the mock trial activity to them. Discussion should include the responsibilities of good citizens to understand and participate in the justice process, particularly as jurors. The fifth graders can make charts or any other instruments that help the third graders learn about a jury trial and the voir dire process. Fifth graders should be able to explain to the third graders the details of jury service:

- the court system obtains a list of names from various state records (voting registration, tax documents, drivers' licenses, public benefits information, etc.);
- using this list, the court system sends out a juror qualification questionnaire;
- individuals who qualify for service based on their responses to the questionnaire will eventually be called for jury service;
- attorneys conduct a voir dire of the qualified jurors called for service to determine which jurors they want to serve for the particular trial at issue;
- the chosen jurors listen to the facts of the case, as presented by the attorneys and witnesses, and apply the relevant law, as presented by the judge, in order to determine who wins the trial.

The teachers should ask for third grade volunteers to serve as jurors at the mock trial. The third graders should simply be told that the trial is about whether someone threw rocks through the window of Doctor DeSoto's home. The fifth graders should then ask the prospective jurors the questions that the fifth graders practiced on Day 6 to see how the process works when the jury does not know as much about the case as the attorneys do.

Day 8

Using all of the third grade jurors, the mock trial should take place.

Students should be reminded of their assigned theories and of what they learned in their group activities about the theory of the case and related questions to ask. Students should be advised that there will be time limits for each part of the mock trial – they do not need to use the whole time, but they should not go over time.

Judge greets the attorneys and explains that he or she will enforce the time limits	
Prosecution's Opening Statement	1 minute
Defense's Opening Statement	1 minute
Prosecution's Direct Examination of Mrs. DeSoto	4 minutes
Defense's Cross Examination of Mrs. DeSoto	4 minutes
The Prosecution Rests	
Defense's Direct Examination of the Cow	4 minutes
Prosecution's Cross Examination of the Cow	4 minutes
The Defense Rests	
Defense's Closing Statement	1 minute
Prosecution's Closing Statement	1 minute
Judge's Charge to the Jury*	
Jury Deliberation** (with assistance from the teacher)	10 minutes
Judge asks for the Verdict	

*The judge's charge to the jury should simply remind the jurors that they are to consider only the facts put into evidence and not consider their own personal feelings regarding foxes or dentists or their own personal feelings regarding the attorneys representing the parties.

**All students should witness the jury deliberation, so they can learn how facts are interpreted and processed by a group that was not previously familiar with those facts. The teacher can facilitate this process with questions.

Examples:

- Do you think that Mrs. DeSoto was able to clearly see the person standing under the tree on her front lawn?
- Do you think Mrs. DeSoto knows the Fox well enough to recognize him?
- Do you think the Fox was telling the truth about bringing his jacket to the dry cleaner's that day?
- Do you believe the Cow when he says he spent the evening with the Fox?

Day 9

The teacher should conduct a debriefing, which should include an analysis of how each mock trial team was able to present its theory and a discussion of whether the jury was able to understand the prosecution and defense theories from each case. The class should discuss whether there were any surprises in the jury deliberation process and discuss the value of a group decision-making process.

The teacher should emphasize that when the students are adults, they will be expected to and entitled to participate in various ways in the justice process. They will probably be expected to serve as jurors, at least once. Furthermore, they will be entitled to vote, which may afford them the opportunity to select some judges. When acting as jurors and selecting judges, they should remember the important concepts of justice, equality and fairness.

Day 10

For assessment purposes, students should be given time to complete an exercise that shows they have mastered some legal terms and procedures. The assessment should require the students to consider and understand the role that the jury played in the justice process. Among other activities that would help demonstrate what they have learned, students could also be asked to describe what they have learned in the classes and in their role at trial in an activity journal that is collected on Day 10.

TEACHING TOOLS: NYS UNIFIED COURT SYSTEM ELEMENTARY SCHOOL LEVEL

Courtroom Club: An Extracurricular Activity*

LEARNING CONTEXT

Purpose:

The purpose of this activity is to provide after-school or weekend extracurricular law-related educational activities for elementary and middle school students that teach them how to recognize and help administer justice. This activity is relatively sophisticated and may not be appropriate for elementary age levels unless the students have an extensive background in how the court system functions.

Grade Level:

Elementary and Intermediate

Learning Standard:

Social Studies Standard 1 and 5

Core Curriculum (excerpted from the Social Studies Resource Guide with Core Curriculum):

These activities address the core curriculum concepts and themes that relate to civic values, government, citizenship and civic life. Students study about the rights and responsibilities of citizenship in their communities (grade 2). As they learn about communities throughout the world, they begin to compare the roles of citizenship and the kinds of governments found in various world communities (grade 3). The in-depth study of local government will emphasize the structure and function of the different branches and the roles of civic leaders. By participating in school activities that teach democratic values, students develop a sense of political efficacy and a better understanding of the roles of supporters and leaders. They expand their civic concepts of power, equality, justice, and citizenship as they learn about local government (grade 4). Students then build on and reinforce civic values and historic and political content learned about the United States by comparing and contrasting their government to that of other nations. Concepts such as civic life, politics, and government can be used to answer questions about what governments can and should do, how people should live their lives together, and how citizens can support the proper use of authority or combat the abuse of political power (grade 5).

* Developed with the assistance of Linda Skidmore, Teacher, LEAD Program, Northport-East Northport School District

Concepts/Themes:

- Understanding how every citizen is entitled to participate in local, state and national government by voting and may be required to participate in other ways, such as through jury service (Elementary and Intermediate Levels).
- Understanding and appreciating the role of government in meeting the needs and wants of communities (Elementary and Intermediate Levels).
- Understanding how elected and appointed leaders make, enforce and interpret the law (Elementary and Intermediate Levels).
- Understanding and examining how rules and laws are developed to govern conflicts (Elementary and Intermediate Levels).
- Analyzing the sources of the nation's values as embodied in federal and state constitutions and statutes and appreciating the principles, ideals and core values of our democracy (human dignity, liberty, justice, and equality) (Intermediate Level).
- Examining how government protects the rights of individuals and promotes the common good (Elementary and Intermediate Levels).
- Analyzing how our government is premised on majority rule that simultaneously protects minority rights (Intermediate Level).

Prior Knowledge:

Self-selected elementary students should have an interest in learning about law and the justice system. The club advisor should have an interest in and basic knowledge of the justice system.

PROCEDURE

The following procedures map out 14 meeting agendas that each take approximately 45 minutes to conduct. Many of the agendas can stand alone; however, several are interrelated and sequentially developed to culminate with a mock trial. Most of the agendas are enhanced by multimedia presentations; some include interactive learning material.

The advisor should plan to secure media equipment and learning technology resources to enhance the club's legal learning experiences. Most of the materials used to enhance the club activities are free or inexpensive. Ideally, the club should have a small budget to accomplish its goals and objectives.

Special Message to Teachers

The activities within each Teaching Tool are designed to build on each other to, first, develop students' knowledge of basic law-related concepts; then, show students how the concepts are utilized or implemented in the court system; and, finally, demonstrate how students should apply the concepts in their everyday lives. However, the various activities that comprise each tool may also be used as stand-alone exercises. For example, you may choose to incorporate only Day 1 or Day 3 into your course work. Or, you may choose to use Day 1 in connection with one unit and then use Day 2 in a later unit.

There is more than one way to utilize the Teaching Tools – the proper use is the use that is beneficial to your classroom.

Agenda 1 (First Meeting)

Objective:

To explain the purpose of the club and what students will be doing.

Procedure:

Begin by welcoming members to the club and explaining that the goal of the club is to further understanding of how the concepts of justice and fairness affect students' lives.

Introduce the concepts of justice, fairness, equality, citizenship, civic responsibility and the tools our nation uses to protect human rights. Explain how these concepts are relevant to school, community life, and all interactions with other people.

Discuss the purpose and function of school rules, student codes of conduct, and relevant student handbooks as they relate to the concepts of justice, fairness and equality. Review existing school rules, codes, or handbooks as examples of the codification of these concepts. Discuss and determine whether these rules fairly balance the rights of students and school administrators.

The advisor may use the "Doctor DeSoto v. the Fox" teaching tool as the foundation of this club activity, or the advisor may create a scenario based on current events in the school or community.

As an example, this outline will use the "Doctor DeSoto v. the Fox" scenario.

Activity:

Have club participants read or view Doctor DeSoto by William Steig, published by Farrar, Straus and Giroux, LLC, prior to the first meeting. Doctor DeSoto is about a mouse dentist who treats a Fox and tricks the Fox into not eating Doctor DeSoto and his wife.

Discuss the part of the story where the DeSotos must decide whether to let the sick Fox in for treatment -- a moral decision. Ask students to select a point of view and advise Dr. DeSoto as to the proper decision. Possible viewpoints for them to consider include: their own, another dentist, a judge, a religious advisor. Have students share their viewpoints with each other.

Discuss the part of the story where Doctor DeSoto insists that he will finish the job that he has started – a rule that his father taught him. Ask students to discuss rules that they have learned from their families or friends and to provide examples of when they have followed these rules.

Provide the new ending to the Doctor DeSoto story:

Imagine that the story has a new ending –

The Fox was very angry that Doctor DeSoto and his wife tricked the Fox into not eating the DeSotos. One night, when the DeSotos were having a dinner party, someone threw two huge rocks through their dining room window, breaking the window.

Mrs. DeSoto ran to the window and is certain that she saw the Fox standing behind a tree on the front lawn. She recognized the green jacket that the Fox had worn to the dentist's office. Doctor DeSoto called the police and reported that rocks were thrown into their home at about 7:00 pm.

The police arrested the Fox later that night. They charged the Fox with vandalism – the destruction of somebody else's property.

The Fox says he was in his own home with his friend, the Cow, at the time of the window breaking incident. The Cow agrees that he was with the Fox at the time the rocks were thrown. The Cow says he was at the Fox's home from about 7:00 - 10:00 pm that night.

Discuss the fact that it is morally wrong to damage someone else's property, such as by throwing rocks through a window. Explain that the laws of the State of New York are the written rules that tell people when it is wrong for them to do something. For instance, some of these rules make acts of vandalism illegal. One role of the government is to help protect people, so the government has created laws against vandalism because individuals want to know that their personal property is protected.

As an example, read to the students the following modified excerpt from the New York State Penal Law that addresses vandalism (Section 145.00 - Criminal mischief in the fourth degree):

A person is guilty of [vandalism] . . . when having no right to do so . . . he . . . intentionally damages property of another person.

Explain that trials are the method we use to determine whether someone has done something that is illegal or is improper according to our laws. There are criminal trials and civil trials. When the police arrest someone for committing an illegal act, a criminal trial occurs. The result may be that the person arrested serves a sentence in prison. When a citizen sues another citizen and no arrests are involved, a civil trial occurs. The result may be that the person who is sued must pay an amount of money to the person who brought the suit to make up for any wrongdoing.

Using the DeSoto example, a criminal trial could occur because the police arrested the Fox and charged him with a crime, vandalism. However, a civil trial could also occur if the DeSotos decided to sue the Fox to make him pay for the damage that they think he caused to their window.

Explain that at the next meeting, students will start to learn how to conduct a mock criminal trial. They will eventually use these skills to help determine whether the Fox actually vandalized the DeSoto home. The trial will take place in front of a judge and jury to decide whether the Fox is guilty of throwing rocks through the DeSotos' window. The prosecution must provide evidence that the Fox is the one who threw the rocks. The prosecution will ask Mrs. DeSoto to testify that she saw the Fox outside of her home when the rocks were thrown. The defense will provide evidence that the Fox was not the one who threw the rocks. The defense attorney wants to create "reasonable doubt" in the minds of the jury, meaning that at least some of the jury members will think that the Fox did not throw the rocks. To prove this point, the defense will ask the Cow to testify that the Fox was home when the rocks were thrown.

Agenda 2

Objective:

To introduce students to the important terms and procedure in a criminal trial.

Procedure/Activity:

Use some sort of visual technique to display and describe the following terms and definitions.

JUDGE	The head of the court, decides issues of law, and ensures that justice is carried out in the courtroom.
EVIDENCE	The facts about a case that are discussed during the trial.
DEFENDANT	The person arrested and charged with a crime.
PROSECUTOR	Represents the interests of all of the People of the State of New York through their government. Attempts to prove beyond a “reasonable doubt” that the defendant is guilty of the crime. This means that the prosecutor must provide enough evidence to show that the person arrested actually committed the crime.
DEFENSE ATTORNEY	Represents the rights of the defendant. Attempts to show through evidence at trial that the defendant is not guilty. Every criminal defendant is entitled to a defense attorney to show that the defendant is innocent until proven guilty.
WITNESSES	Assist lawyers by testifying and providing evidence about the case. The information is used by the jury to determine whether the defendant is guilty.
CLERK	Gives the oath to witnesses and assists the judge in keeping order in the court.
OATH	“Place your left hand on the Bible and raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, and nothing but the truth?”
JURY	Several people selected by the attorneys to decide issues of fact. They must pay close attention to the evidence presented by both sides and decide on a verdict, which is the decision of whether the defendant is guilty or not guilty.
COURT OFFICER	Makes sure the courthouse is safe for everyone, including visitors to the court.

Further, the Unified Court System Juror's Handbook and video "Your Turn" can be used to review the following court procedures:

CALL TO ORDER	The clerk calls the court to order and everyone stands as the judge enters the courtroom.
OPENING STATEMENTS	The attorneys for both sides introduce themselves to the jury and explain what the trial will be about and what facts they intend to prove.
DIRECT EXAMINATION (PROSECUTION)	The prosecution calls witnesses to question them about the facts of the case.
CROSS EXAMINATION (DEFENSE)	The defense attorney also questions the same witnesses and attempts to show that the testimony is inaccurate, false, or could actually demonstrate that the defendant did not commit the crime.
DIRECT EXAMINATION (DEFENSE)	The defense attorney questions different witnesses to show that the defendant did not commit the crime.
CROSS EXAMINATION (PROSECUTION)	The prosecution questions the defense witnesses to try to show that the testimony is inaccurate or false.
CLOSING STATEMENTS	Both attorneys summarize the facts of the case as they see them. The defense attorney goes first; the prosecution closes last.
JURY CHARGE	The judge instructs the jury as to what law applies to the case.
JURY DELIBERATION	The clerk takes the jury to the jury room, where they discuss the case and decide whether the defendant is guilty.
VERDICT	The jury foreman reads the verdict to the judge to announce the decision of the jury.
SENTENCING	If the defendant is found guilty, the judge will pronounce the sentence.

Agendas 3 – 7

“Justice by the People” is a five lesson interactive curriculum designed for grades 5-9 by the American Board of Trial Advocates (ABOTA) and can be ordered through the ABOTA website at <http://www.abota.org> . You may wish to have club members participate in one or more of the ABOTA lessons before Agenda 8 (voir dire). Each of the five ABOTA lessons would constitute a club meeting.

Meeting 3: The Value of Group Decision Making

Meeting 4: History of Conflict Resolution and the Jury System

Meeting 5: Jury Selection

Meeting 6: The Trial of Gold E. Locks (includes a 15 minute video of the trial, which is stopped at certain points for discussion)

Meeting 7: Jury Deliberation based on the trial from Meeting 6

For more information about “Justice by the People,” contact:
Foundation of the American Board of Trial Advocates
5307 East Mockingbird Lane, Suite 1060
Dallas, Texas 75206-5109
Phone: (800) 779-JURY (5879); (214) 827-1791
Fax: (214) 827-2012
E-mail: <http://www.ABOTA.ORG/PUBLIC/ONLINELISTING.HTML>

Agenda 8

Objective:

Students will work on teams to learn skills needed for the various roles in the mock criminal trial. Students should use this exercise to help determine whether they wish to act as the prosecutor, the defense attorney, or a witness during the mock trial.

Procedure:

Select several age appropriate newspaper articles that depict conflicts or will foster discussions involving different points of view.

Divide the members into groups of three to practice listening, fact finding, and communication skills.

Activity:

The advisor will help identify the basic skills used in preparing opening statements, direct and cross examination questions, and closing statements. Explain that the club will practice discussion of issues in a conversational context as practice for discussion of issues in a “courtroom” context.

Give each group of students an article. One student will not read the article but will listen to the two other students (who have read the article) stand up and take turns presenting one of the different points of view reported in the newspaper article. The listener will then explain to the presenters what he/she believes are the important facts and the conflict in the issues they presented. The three students should read the article together and come to an agreement on the important facts. One person selected by the group will stand up and explain the facts and the issue to the rest of the club members.

Agenda 9

Objective:

Students will work in teams to practice opening and closing arguments.

Procedure:

By now, the advisor should have set a date for the mock trial, identified outside students to voir dire at Meeting 12 (see Agenda 12), written invitations for parents and special guests to attend, and confirmed someone (a judge, attorney, teacher, or older student) to act as the judge for the mock trial.

Activity:

Briefly review the Doctor DeSoto story and the additional ending that sets the stage for the mock trial.

Divide the students into two teams, generally based on the students' preferences for a "side" for the mock trial -- prosecution or defense.

The club advisor should explore and discuss with the students the identification of the relevant facts at issue -- that someone threw rocks into the DeSoto home, that Mrs. DeSoto thought she saw the Fox outside their home at that time, that a different witness will testify that the Fox was at his own home (and not the DeSoto home) at the time the rocks were thrown. The advisor should encourage the students to think of details that may be missing from the facts that were given in order to develop a possible theory of the case.

The theory sets the stage for the "stories" that the attorneys will tell during their opening and closing arguments. The theory also provides guideposts for asking questions during direct and cross-examinations.

Each team should settle on a theory to use as a building block for the case.

Examples of different prosecutor's theories:

The DeSoto home is located next to several street lights and has an exterior light near the front door. Their front lawn is a very bright area even at night, so Mrs. DeSoto would have always had a very clear view of anyone standing in the front lawn.

Mrs. DeSoto has seen the Fox twice at the dentist's office and knows exactly what he looks like. He always wears a green jacket, and she recognized the Fox on the front lawn by his jacket. The Cow was not at the Fox's home exactly at 7:00 pm, so the Fox could have thrown the rocks shortly before 7:00 pm and still run home before the Cow arrived.

Examples of different defense theories:

Even though the DeSoto front lawn is under bright lights, the tree that the Fox was allegedly hiding behind would cast shadows. Everything happened very quickly, and Mrs. DeSoto did not spend much time looking out the window.

Mrs. DeSoto has only met the Fox twice. She doesn't really know what he looks like. Mrs. DeSoto usually wears glasses but did not have them on for the dinner party.

The Fox was with the Cow all evening. He told the Cow that he spilled something onto his favorite green jacket that morning, so he brought the jacket to the dry cleaner that day. The Fox

says he then went immediately home and did not go out again because he did not have a jacket.

The advisor should explain that by simply discussing the case history and the theory of the case, the opening and closing statements take shape. The teams should choose or be assigned one theory each to build into an opening argument, as exemplified below.

The prosecutors can be assigned the theory that the outside of the DeSoto home is very bright, so Mrs. DeSoto clearly saw the Fox; the defense can be assigned the theory that Mrs. DeSoto could not have clearly seen the person standing under the tree, and the Cow confirms that the Fox was home at the time of the incident:

Prosecutor --This is a case about a Fox who was angry at the DeSoto family because they recently tricked him. In order to seek revenge, the Fox threw two rocks into the DeSoto dining room and broke a window. The evidence will show that Mrs. DeSoto looked out of her window immediately after the rocks were thrown, and she clearly saw the Fox standing beneath a street light on her front lawn. The defense will try to tell you that it was not Mr. Fox standing on the front lawn. However, Mrs. DeSoto has no reason to lie about what she saw, and she knows the Fox threw the rocks.

Defense -- This is a case of mistaken identity. Unfortunately for the DeSoto family, someone threw two rocks into their home during a dinner party and broke one of their windows. In the shock of the moment, Mrs. DeSoto looked out of her window and thought she saw someone standing in the shadows of her front lawn. Because the DeSotos know that they recently tricked the Fox, they think that the Fox broke their window. However, there is no proof that the Fox was anywhere near the DeSoto residence when the window was broken. In fact, the evidence will show that the Fox was in his own home at the moment in question. Someone else broke the DeSotos' window.

The teams should use this time to understand how the theories of the case are used in opening and closing statements and to practice delivering such statements within their groups.

Agenda 10

Objective:

Students will work in teams to practice direct and cross examination.

Procedure:

The club participants should again divide into the two teams from Day 4. Based on the theory they chose for practicing opening and closing statements, the teams should develop a list of ten questions that they would ask the various witnesses.

Activity:

The prosecution team will have questions to ask Mrs. DeSoto about what she saw when she looked out her window after the rocks were thrown into her home.

Examples:

Was it light or dark out?

Were there any street lights or exterior house lights on?

Was anything blocking your view out the window?

What did you see?

How did you recognize the person you saw as the Fox?

Did you check what time it was when the rocks were thrown?

The prosecution team will also have questions for cross-examining the Cow.

Examples:

What time did you arrive at the Fox's home?

Did you check the clock?

What was the Fox wearing that evening?

Have you ever discussed the DeSoto family with the Fox?

Have you ever seen the Fox throw rocks?

The defense team will have questions with which to cross-examine Mrs. DeSoto about her seeing the Fox outside of her home.

Examples:

Do you need glasses to see?

Did you have them on when you looked out the window?

How many times have you ever met or seen the Fox?

How big is the tree that the Fox was allegedly standing behind?

The defense team will also have direct examination questions for the Cow.

Examples:

How long have you and the Fox been friends?

What time were you with the Fox on the night in question?

What were you and the Fox doing?

Did the Fox discuss his favorite green jacket?

At the end of this meeting, students should be assigned to their roles for the mock trial -- prosecution team, defense team, witness. The teams will consist of five people each, as follows:

Prosecution: Attorney for Opening Statement
Attorney to Direct Mrs. DeSoto
Attorney to Cross the Cow
Attorney for Closing Statement
Witness - Mrs. DeSoto

Defense: Attorney for Opening Statement
Attorney to Cross Mrs. DeSoto
Attorney to Direct the Cow
Attorney for Closing Statement
Witness - the Cow

Students should also decide on or be assigned a theory of the case, so they can start thinking about relevant questions. If the club is large enough, there can be more than one mock trial, utilizing different students. In that case, the advisor should assign different theories to the different trial sets, and students will be able to appreciate how the result of a case may differ based on different evidence presented during the trial.

For example, assign Prosecution Group #1 the theory that the outside of the DeSoto home is very bright, and Mrs. DeSoto could clearly see the Fox standing behind her tree because she had her glasses on. Assign Defense Group #1 the theory that the very large tree creates shadows on the lawn. Mrs. DeSoto has only met the Fox twice, so she cannot recognize him very well.

Assign Prosecution Group #2 the theory that Mrs. DeSoto knows that the Fox always wears a green jacket, and she recognized the Fox outside of her home because she saw the jacket. Assign Defense Group #2 the theory that the Fox was at home with the Cow that evening and told the Cow that the green jacket was at the dry cleaner's.

The students who will act as witnesses should know what their relevant assigned theory is and be aware of the types of questions that will be asked of them on direct and cross-examination.

Agenda 11

Objective:

Students will understand the function of a jury and the jury selection process (voir dire). They will understand that because the jury plays such an important role in the system, jury selection is one of the most important parts of the trial. Students will create a list of questions for the voir dire of the prospective jurors.

Procedure/Activity:

The advisor should identify students interested in being jurors and advise them of the time, date, and location of Meeting 12.

The advisor may elect to show “Your Turn,” the NYS Unified Court System’s video on jury duty. The advisor may also conduct an age-appropriate activity regarding jury selection found in the Law, Youth and Citizenship publication, *The Noblest Institution: Teaching About the Right to Trial by Jury in New York*.

The advisor should emphasize that the jury system virtually ensures that each citizen will play an important part in the justice process at least once during their lifetime. They should take very seriously the lessons learned during these activities, since these activities will help prepare them to participate properly in the justice system, a system that helps protect the rights of everyone. The jury system helps promote justice, fairness, and equality when individual rights are at stake. It helps preserve the very important principle that defendants are innocent until proven guilty.

The selection of the jury by attorneys is called voir dire. It offers the attorneys a chance to learn a little bit about each juror, even though the prospective jurors do not yet know very much about the case. Students must understand that the questions attorneys ask the prospective jurors relate to the facts of the case so that the attorneys can anticipate how the jurors will react to the evidence and decide the case. Attorneys should pick juries based on the answers to their questions, not on the appearance of the juror. It doesn’t matter if the juror is young or old, tall or short; what matters is that the juror will listen to the facts of the case and be fair.

Students should understand that attorneys are not permitted to discriminate against anyone on the jury. For example, this means that the reason that an attorney does not pick a certain person to act as a juror must be a reason relating to the facts of the case -- for instance, a prospective juror may state that he or she never believes defendants, no matter what the crime charged. The defense attorney may then decide not to select that juror to sit on the case. However, the attorney cannot decide against using a juror simply because of the juror’s race or ethnic identity.

The club should be divided again into the two teams from Day 4. The students should formulate questions appropriate for the “side” they represent. Students can practice acting as the attorney and asking questions of other team members in order to see how different people answer questions differently.

Example prosecution questions:

Have you ever seen a fox?

Do you like foxes?

Do you own a home? Does it have windows?

Would you let a fox into your home?

Has anyone ever damaged your home?

Example defense questions:

Do you like dentists?

Have you ever had a toothache that the dentist couldn't fix?

Have you ever become angry with someone because they tricked you? What happened?

Do you think people are innocent until proven guilty?

Do you trust the police?

Agenda 12

Objective:

To conduct voir dire of the prospective jurors for the mock trial.

Procedure:

Student attorneys will have the opportunity to select jurors for their upcoming case. The advisor should invite a local person or (high school student) to act as judge.

Activity:

The “judge” should call prospective jurors in one at a time for voir dire.

Before this meeting is over, jurors for the mock trial must be selected and given notice of the date and time of the trial.

Agenda 13

Objective:

To conduct the mock trial.

Procedure:

Students should be reminded of their assigned theories and of what they learned in their group activities about the theory of the case and related questions to ask. Students should be advised that there will be time limits for each part of the mock trial – they do not need to use the whole time, but they should not go over time.

Have a person videotape the mock trial for any debriefing.

Activity:

Jurors should be sworn in as a group and a one-half hour mock trial should proceed as follows:

Judge greets the attorneys and explains that he or she will enforce the time limits	
Prosecution's Opening Statement	1 minute
Defense's Opening Statement	1 minute
Prosecution's Direct Examination of Mrs. DeSoto	4 minutes
Defense's Cross Examination of Mrs. DeSoto	4 minutes
The Prosecution Rests	
Defense's Direct Examination of the Cow	4 minutes
Prosecution's Cross Examination of the Cow	4 minutes
The Defense Rests	
Defense's Closing Statement	1 minute
Prosecution's Closing Statement	1 minute
Judge's Charge to the Jury*	
Jury Deliberation** (with assistance from the advisor)	10 minutes
Judge asks for the Verdict	

*The judge's charge to the jury should simply remind the jurors that they are to consider only the facts put into evidence and not consider their own personal feelings regarding foxes or dentists or their own personal feelings regarding the attorneys representing the parties.

**All students should witness the jury deliberation, so they can learn how facts are interpreted and processed by a group that was not previously familiar with those facts. The adviser can facilitate this process with questions.

Examples:

- Do you think that Mrs. DeSoto was able to clearly see the person standing under the tree on her front lawn?
- Do you think Mrs. DeSoto knows the Fox well enough to recognize him?
- Do you think the Fox was telling the truth about bringing his jacket to the dry cleaner's that day?
- Do you believe the Cow when he says he spent the evening with the Fox?

Agenda 14

Objective:

A celebration of learning and debriefing.

Procedure/Activity:

The final club meeting should celebrate each student's involvement in the club. All club members should receive an award certificate. The New York State Courts and NYS Bar Association have model award certificates to copy and use.

Invite the club members' families and allow them to review the mock trial videotape if they missed the mock trial. Have club members evaluate the club activities and write thank-you notes to all who helped.