

Law Day Teachers' Guide

Created to help increase awareness of the role
law and the courts have in our daily lives

Mary Miller, Education Services Director
New York News Publishers Association
50 Colvin Avenue, Suite 102
Albany, NY 12206



Sponsored by:

Law, Youth and Citizenship Program of the New York State Bar Association
& the New York Newspapers Foundation

All rights reserved. Copyright 2012

Criminal Courts

OVERVIEW:

The courts are where we go to have our rights protected, our injuries redressed and our disputes resolved. Whether you are a consumer or a corporation, a victim or an accused, a lender or a debtor, a parent or a child, the work of the courts affects your everyday life. This lesson is meant to give students a basic understanding of the process of our criminal courts.

OBJECTIVES:

Students will:

- Demonstrate the ability to read a nonfiction passage or text
- Distinguish between misdemeanor and felony crimes
- Identify basic rights of the accused
- Identify, extract, and cite text to thoroughly support their responses/predictions

STANDARDS:

NYS Social Studies and ELA Standards (Key Ideas and Performance Indicators) by grade level: [Grades 9-10](#), [Grade 11](#), and [Grade 12](#)

A highlighted Tri-State ELA Rubric of the Common Core State Standards for this group of lessons can be found at <http://tinyurl.com/LawDayTri-StateCCSSRubric>

MATERIALS:

- Copy of the NIE feature entitled Criminal Courts
- Newspapers (in print or electronic)
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – Predict the Verdict

PROCEDURES:

- Read the Criminal Courts feature individually or as a class
- In small groups, have students look for current examples of criminal court cases in the newspaper (print or electronic) and complete the graphic organizer – Predict the Verdict

Closure:

Each group will share their court case and prediction with the class.

Evaluation:

Students will be informally assessed on their ability to obtain the facts of the selected case from the newspaper and other sources and by the completion of the student assessment:

- **Complete this statement: I was surprised to learn...**

Adaptations:

- By working in small groups, ELL students and those with special learning needs should be able to complete the graphic organizer.

Predict the Verdict

After reading the feature “Criminal Courts,” look through the newspaper for news about a current criminal court case. Select one and use the chart below to organize the facts.

Summary of the Case:

Who is the defendant?	
What crime is he or she on trial for?	
What are the key facts in the case?	

If necessary, use additional paper to continue to keep track of the evidence in this case.

Based on the available evidence, write your prediction of the outcome of this case. Be sure back up your opinion with facts.

Assessment: Complete this statement: I was surprised to learn...

Civil Courts

OVERVIEW:

This lesson will give students a basic understanding of the type of cases heard in our civil courts.

OBJECTIVES:

Students will:

- Demonstrate the ability to read a nonfiction passage or text
- Demonstrate an understanding of the burden of proof in a civil trial
- Understand and articulate what the text directly as well as indirectly states in order to make an assumption about or respond to prompts from the text

STANDARDS:

NYS Social Studies and ELA Standards (Key Ideas and Performance Indicators) by grade level:

[Grades 9-10](#), [Grade 11](#), and [Grade 12](#)

A highlighted Tri-State ELA Rubric of the Common Core State Standards for this group of lessons can be found at <http://tinyurl.com/LawDayTri-StateCCSSRubric>

MATERIALS:

- Copy of the NIE feature entitled Civil Courts
- Newspapers (in print or electronic)
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – From Conflicts To Courts

PROCEDURES:

- Read the Civil Courts feature individually or as a class
- Using the newspaper (print or electronic) have students look for news stories of incidences that may result in civil court cases. Each student should select one.
- Students should be prepared to summarize the conflict in the news and explain why they think this conflict may end up in court.

Closure:

As a class, briefly discuss the “preponderance of the evidence” and why conflict could and sometimes does result in court cases.

Evaluation:

Students will be informally assessed on their ability to obtain the facts from the newspaper and inferences about future actions based on those facts and by the completion of the student assessment:

- **What one new thing did you learn from this activity?**

Adaptations:

- Working in pairs or small groups will help ELL students and those with special learning needs to complete the desired tasks.
- Teachers may want to pre-select an appropriate news article for use with ELL students and those with special learning needs.

From Conflicts to Courts

Looking through today's newspaper, see if you can find news stories of incidences that may result in civil court cases. Select one (or use the one provided by your teacher) and briefly explain the conflict, the parties involved and why you think it could lead to a civil lawsuit.

What is the conflict/problem?

Who is involved?

Why do you think this issue might end up in court? Back up your opinion with facts.

Assessment: What one thing did you learn from this activity?

Juries

OVERVIEW:

This lesson will give students a basic understanding of the roll a juror and juries play in our court/justice system.

OBJECTIVES:

Students will:

- Demonstrate the ability to read a nonfiction passage or text
- Demonstrate a basic understanding of what the responsibilities of a juror are
- Distinguish the difference between facts and opinions

STANDARDS:

NYS Social Studies and ELA Standards (Key Ideas and Performance Indicators) by grade level: [Grades 9-10](#), [Grade 11](#), and [Grade 12](#)

A highlighted Tri-State ELA Rubric of the Common Core State Standards for this group of lessons can be found at <http://tinyurl.com/LawDayTri-StateCCSSRubric>

MATERIALS:

- Copy of the NIE feature entitled Juries
- Newspapers (in print or electronic)
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – Facts vs. Opinions: Sorting Out Statements

PROCEDURES:

- Read the Juries feature individually or as a class
- Have students select a news article, editorial or advertisement from the newspaper (print or electronic). Each student should then circle every opinion and underline each fact.
- As a class, complete the graphic organizer – Facts vs. Opinions: Sorting Out Statements

Closure:

Lead a discussion about facts versus opinions and the responsibility of a jury to weigh the evidence presented during a trial to determine the facts.

Evaluation:

Students will be informally assessed on their ability to distinguish between facts and opinions, by participation in class discussion and by the completion of the student assessment:

- **Do you feel differently about the courts and our justice system now that you've learned more? Explain why.**

Adaptations:

- Working in pairs or small groups will help ELL students and those with special learning needs to complete the desired tasks.

Facts vs. Opinions: Sorting Out Statements

Select a few articles of interest and evaluate those articles for facts and opinions. As you read list statements in one category or the other. Discuss as a class why the statements you choose to include the facts column are facts. Do the same with what you've recorded under the opinion column.

Facts	Opinions

Follow up: Were there particular areas of the newspaper where you found more opinions than facts? Was it difficult to tell the difference between facts and opinions?

Assessment: Do you feel differently about the courts and our justice system now that you've learned more? Explain why.

The Appeals Process

OVERVIEW:

This lesson will give students a basic understanding of the appeals process in New York state.

OBJECTIVES:

Students will:

- Demonstrate the ability to read a nonfiction passage or text
- Demonstrate a basic understanding of the sequence of events in an appeals process
- Identify the highest appeals court in New York state and in the United States

STANDARDS:

NYS Social Studies and ELA Standards (Key Ideas and Performance Indicators) by grade level: [Grades 9-10](#), [Grade 11](#), and [Grade 12](#)

A highlighted Tri-State ELA Rubric of the Common Core State Standards for this group of lessons can be found at <http://tinyurl.com/LawDayTri-StateCCSSRubric>

MATERIALS:

- Copy of the NIE feature entitled The Appeals Process
- Newspapers (in print or electronic)
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – The Appeals Process

PROCEDURES:

- Read the feature, The Appeals Process, individually or as a class
- From the newspaper (print or electronic) look for an appeals case in the news.
- As a class, complete the graphic organizer – The Appeal Process

Lesson Extension:

Teachers may choose to go deeper into the appeals process and historic Supreme Court cases. These could include but are limited to: The Lemmon Slave Case (1860), [Brown v. Board of Education of Topeka \(1954\)](#), and [Miranda v. Arizona \(1966\)](#).

Closure:

Lead a discussion about the appeals process.

Evaluation:

Students will be informally assessed on their ability to identify steps in the appeals process, by participation in class discussion and by the completion of the student assessment:

- **What is the most interesting thing you learned about the appeals process? Explain.**

Adaptations:

Working in pairs or small groups will help ELL students and those with special learning needs to complete the desired tasks.

The Appeals Process

Look through the newspaper (print or online) for examples of current appeal cases. Select one fill in the graph below. (Hint: start on the bottom step and work your way up.)

Is there still a higher court that the appellant could ask to hear the case if the current appeal is unsuccessful? If so, what court might hear the case? (Circle the appropriate response)

YES

NO

Based on what you know and have read about this case, do you think the appeal will be successful? Why or why not?

Key facts about the appeal:

What level of court is currently hearing the appeal?

Trial Court Ruling:

Assessment: What is the most interesting thing you learned about the appeals process? Explain.

Alternate Dispute Resolution

OVERVIEW:

This lesson will give students a basic understanding of the Alternate Dispute Resolution (ADR) options in New York state.

OBJECTIVES:

Students will:

- Demonstrate the ability to read a nonfiction passage or text
- Demonstrate a basic understanding of legal Alternate Dispute Resolution options and finding a compromise in general

STANDARDS:

MATERIALS:

- Copy of the NIE feature entitled Alternate Dispute Resolution
- Newspapers (in print or electronic)
- Internet access (for electronic editions of the newspaper or additional resources)
- Graphic organizer – Conflict Resolution

PROCEDURES:

- Read the feature, Alternate Dispute Resolution, individually or as a class
- Look in the newspaper (print or electronic) for a current news article about a conflict among individuals or groups of people
- As background, review Conflict Resolution Tips with students
- As a class, complete the graphic organizer – Conflict Resolution
- Combining smaller groups with similar solutions into larger groups until the class is one big group will help narrow down the final compromise solution

Closure:

Ask students to verbalize how they arrived at a compromise and what they learned by doing it.

Evaluation:

Students will be informally assessed on their ability complete the Conflict Resolution exercise, by participation in class discussion and by the completion of the student assessment:

- **Complete this statement – I still have a question about...**

Adaptations:

Working in small groups will help ELL students and those with special learning needs to complete the desired tasks.

A copy of the Conflict Resolution Tips will help students remember steps they might use in finding a workable compromise.

Conflict Resolution Tips

Behavioral Techniques

- Don't negotiate when angry.
- Forget the past and stay in the present.
- Focus on the problem not the person.
- Communicate feelings assertively, NOT aggressively. Express concerns without blaming the other side.
- Expect and accept another's right to disagree. Don't push or force anyone to think the way you do; work to develop common agreement.
- Don't view the exercise as a competition where one has to win and the other has to lose. Work toward a solution where both parties have some of their needs met. Understand that not everyone will be 100% happy with a compromise.
- Build 'power with' NOT 'power over' others.
- Thank the person for listening.

Negotiation Techniques

- Identify and define the conflict in specific terms.
- Focus on areas of common interest and potential areas for agreement.
- Never jump to conclusions or make assumptions about what another is feeling or thinking.
- Listen without interrupting; ask for feedback if needed to assure a clear understanding of the issue.
- Think of alternative solutions.
- Discuss the pros and cons of the alternatives. Listen to others, as well as state your case.
- Select the best course of action that ALL can agree upon.
- Implement only the parts of the plan that are in agreement. Remember, when only one person's needs are satisfied in a conflict, it is NOT resolved and the conflict will most likely continue.
- Follow-up to evaluate the effectiveness of the plan and make necessary adjustments.
- Look for a "win-win" solution

Source for this list of techniques was modified from a list originally used in a PBS teaching resource entitled "Briefing Paper: The Taliban and the War on Terror"

Conflict Resolution

What is the Problem/Conflict? Use the newspaper (print or online) as a resource to find a current conflict among individuals or groups of people. Identify and define the conflict in specific terms listing all parties and their concerns.

Problem/Conflict	Parties	Concerns

What are some Possible Solutions?

List different solutions you develop.

What is the Best Compromise? As a class discuss the possible solutions and work on finding the best compromise. Write down what the group has agreed is the solution to the problem(s) stated above. Explain why you believe it is the best option.

Follow up: Do you think there are any unresolved issues? If so record them here and explain why.

Assessment: Complete this statement: I still have a question about...

Constitutional Amendments (that relate to the rights of the accused)

United States Constitution –

- Amendment IV - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- Amendment V - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
- Amendment VI - In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.
- Amendment VIII - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Web resources in alphabetical order:

[The Constitution and the Criminal Court](#) – a three-day lesson plan written for grades 6-8 to teach the concepts of justice and the Constitutional rights of due process and fair and equal treatment under the law

[Graphic Organizers](#) – additional graphic organizers developed as part of this year’s Law Day theme (Conflict Resolution Tips and Organizer are found in both documents)

[History and Judicial Review](#) – another three-day lesson plan intended for middle school (grades 7&8) students to learn how the judiciary has helped shape our nation’s history, especially through the appellate process of the United States Supreme Court

[Justice and the Jury Experience](#) – a 4 to 5 day lesson plan for high school students to learn about and appreciate the history of the jury system, understand the role that the jury plays in the American system of justice, and appreciate the importance of citizen service on juries

The [New York State Bar Association's Law, Youth and Citizenship Program \(LYC\)](#) promotes citizenship and law-related education in schools throughout New York State. LYC assists educators in creating opportunities for students to become effective citizens able to participate fully in our democratic society.

[The New York State Courts: An Introductory Guide](#) for an overview of the state court system—what it does and how it works.

[New York State Family Court Coloring and Activity Book](#) – to help explain courts to very young children

[State Court Watch](#) (a project of the Law, Youth and Citizenship Program of the New York State Bar Association) is a resource for teachers and students interested in making connections among New York State case law, famous U.S. Supreme Court cases, and topics covered in U.S. Government and citizenship classes.

www.uscourts.gov – online educational resources developed to provide information from and about the Judicial Branch of the U.S. Government
(<http://www.uscourts.gov/EducationalResources.aspx>)

For more lesson plans inspired by the 2012 theme, “No Courts, No Justice, No Freedom,” go to the [American Bar Association website](#).