



Lesson Plan: Why Do I Have to Do jury Duty?

Activity Steps:

Set (Hook): Several students from another class will perform a *brief* and amusing mock trial in front of the target class wherein there is no jury and overwhelming evidence that the defendant is innocent. (See trial script attached.) The judge will find the defendant guilty (from the bench) immediately following the final arguments. After discussion, the students will be told that this was an exercise to show them the importance of the jury system and that most judges are fair and take the time to consider evidence. Student actors needed: judge, prosecutor, defense attorney, narrator, Miss Lulu, defendant, bailiff

Input/Procedures: *Activate prior knowledge:* Tell students they do not have to respond, but ask if anyone has been to court and would like to tell about it. Allow students to share their experiences if they want.

Lesson 1: *Introduction to the Court System*

Using projector connected to Internet, go to www.courtinfo.ca.gov/programs/cab; scroll to "Getting to Court"> Who Are the People in Court (show from judge through witnesses). Explain participants on each page, ask for questions/comments/discuss.

Guided Practice:

After discussion, go to the quiz entitled "Who's Who in the Court" and ask for volunteers to lead the class, control the mouse, and select the correct answers after whole-class discussion on each item. Students may work in pairs at individual laptops while participating in the whole-class discussion.



Assessment:

Students will reflect in their journals about what they learned about the court system and the importance of juries in criminal trials. They will also write about their feelings about jury trials, which arose from the lesson. Students will take today's quiz independently on the day following the lesson.

Lesson 2: Mock Trial: Jury Selection Process (may require two classes)
(See attached Mock Trial Script)

Prior to delivering the lesson, students will be selected to play the various roles in the mock trial. They will be given the script to study. I will use the same scenario as in Lesson 1. The room will be arranged like a courtroom with judge's desk, clerk and reporter's desks, defense tables, and jury box.

Teacher will give a mini-lesson on the psychology of jury selection, i.e., perspective juror's or family members' criminal history/experience, background, employment, feelings about police officers, the court system, witness ability to recall facts, fairness of judges and the system in general, etc.) Mini-lesson will include discussion of juror challenges (peremptory and for cause,) and the history of the jury system and "representative cross-section of the community" concept.

Teacher will explain that the students will be in charge of taking their roles seriously and that teacher will be there to observe and provide assistance where needed only. (All students in this class scored either Proficient or Advanced on the CSTs.)

The trial (jury selection) will begin with the bailiff asking all to rise as the judge enters the courtroom . . . (see attached mock trial script and juror information page with "unisex" names for convenience.) Once all parties are seated, Teacher will explain that prospective jurors do not usually have so many facts about a case prior to being interviewed but that for the purposes of this lesson it is helpful to know what the witnesses would say. Teacher (or a student)



will then read the Lesson 2 Scenario (attached.) Teacher will also explain and pass out scripted sample juror questions and explain its contents to both attorneys and jurors.

Guided Practice:

Students will follow along with the script and read their parts. Students will assist each other, and teacher will assist where needed.

Assessment:

Students will again reflect in their journals about how their feelings might have changed since their previous reflection and/or what new beliefs or ideas they may have based upon the dialogue in the mock trial. Students will write whether they believe jury duty should be mandatory or not and why.

Anticipatory Set

Mock Trial

The following scenario is read to the class by the Narrator, who will ask students to close their eyes and visualize what is happening:

Narrator: Lulu is walking into the Dollar Tree to buy cookies. Suddenly someone comes up from behind her and knocks her down, ripping her purse from her arm. At that moment, Bob, a clerk inside the Dollar Tree, sees what is happening. He yells at his manager that he's going to take his break, runs out the door, and grabs the purse from the robber. As he does so, the robber punches Bob in the face; and Bob falls to the ground, still clutching the purse in his hand. The robber runs away.

Several people witness the incident and call the police. One witness chases after the would-be robber, but he gets away. When the police arrive, Bob is still



on the ground holding the purse. The victim Lulu, not having seen who attacked her, starts screaming and pointing at Bob, shouting, "That's him! That's him! He tried to steal my purse!" She grabs her purse from Bob and hits him over the head with it.

The police officer asks Bob what happened, and Bob replies that he was trying to stop the robber from taking the woman's purse. Several witnesses come forward and confirm that Bob was not the thief. Bob's manager also tells the police officer that Bob was stocking paper plates at the time of the robbery and went to help the victim. The police look around and do not see the robber, and they arrest Bob for robbery and other charges.

At Bob's criminal trial, all of the witnesses show up to testify on his behalf. Unfortunately for Bob, he lives in the twilight zone where criminal defendants are not entitled to a jury trial. This means that, although Bob could be sentenced to serve many years in prison if convicted of the crimes, he has to place his future in the hands of only one person, THE JUDGE!

But let's look at the bright side: The trial will be over in a much shorter time if the attorneys don't have to interview a bunch of people to sit as jurors. And if convicted of the crimes, Bob can go to prison right away so he won't have to worry about paying rent or buying his own food.

Narrator: The trial begins. The prosecutor makes an opening statement:

Prosecutor: This is an "open-and-shut case," Your Honor. The defendant Bb, if that's his real name, viciously attacked poor Miss Lulu in front of the Dollar Tree. When the police arrived, the Defendant was holding her purse, and the victim said that he was the person who had robbed her. I don't know why we're even having this trial!
Thank you. (Sits down)



CALIFORNIA ON MY HONOR

Curricula for K-12 Civics Education

- Judge: Mr./Mrs. Defense attorney, are you going to waste the court's time with an opening statement? (sighing)
- Defense Attorney: Yes, your honor. Since my client is not entitled to a jury trial, I have to respond to the lies the prosecution told in his/her opening statement. First of all, my client is a hero. That woman (pointing at Lulu) should have given my client a reward instead of bashing his head with her purse. There are sixteen witnesses who will all testify that someone else robbed the victim and that my client stepped in and tried to help her. My client should not be punished just because the victim didn't see who the real robber was. Nothing further. (sits down)
- Judge: How long does everyone think this trial will last? I've got a Judge-of-the-Year party to go to at 4:00 this afternoon, and I don't want to be late accepting my award.
- Prosecution: I think we can wrap it up in about 15 minutes.
- Defense: Fifteen minutes!! (shouting) I have 16 witnesses to call who will all testify that my client is innocent. Poor Bob has a lot at stake in this trial. I sure wish we had a representative cross-section of the community to decide his fate! Or at least more than just one person who's in a hurry to get it over with. (sighs)
- Judge: Very well, then. Take all the time you need, as long as I am out of here by 3:45. Prosecution, call your first witness.
- Prosecution: The People call the poor, pathetic victim, Miss Lulu. (Miss Lulu takes the stand)
Miss Lulu, who robbed you on the date in question?
- Miss Lulu: He did! (shouting and pointing at Bob) I found my purse in his hand and boy did I give it to him! (gesturing, hitting Bob over head)
- Prosecution: Nothing further. Thank you.
- Judge: Mr./Mrs. Defense, do you feel a need to cross-examine this witness? (looking at his watch)



CALIFORNIA ON MY HONOR

Curricula for K-12 Civics Education

- Defense: You bet I do!
Miss Lulu, did you see the person who attacked you?
- Miss Lulu: Well...no...not exactly...But...
- Defense: Then how could you testify before that my client is the robber?
- Miss Lulu: Well...I...um...
- Defense: No further questions for this witness, Your Honor. (Lulu leaves the witness stand)
The defense calls Witness No. 1
- Narrator: Witness number one testifies that another person robbed Lulu and that Bob was actually a hero for trying to help her. The defense then calls his remaining witnesses who all testify that Bob is innocent.
- Both sides give closing arguments to the Judge.
- Judge: After careful consideration of all the evidence, I find the defendant Bob (if that's his real name) to be guilty as charged. Besides that, just look at him. He looks guilty. And I'm going to throw the book at you. (glaring at Bob) I hereby sentence you to the maximum sentence allowed by law, 15 years in prison. Bob, did you bring your toothbrush with you to court?
- Narrator: The bailiff gleefully hauls the defendant Bob off to jail.



Mock Trial: Jury Selection

Lesson 2

The following scenario is read to the class by a student (reader will ask students to close their eyes and visualize what is happening):

Scenario: Lulu is walking into the Dollar Tree to buy cookies. Suddenly someone comes up from behind her and knocks her down, ripping her purse from her arm. At that moment, Bob the clerk inside the Dollar Tree, sees what is happening. He yells at his manager that he's going to take his break, runs out the door, and grabs the purse from the robber. As he does so, the robber punches Bob in the face; and Bob falls to the ground, still clutching the purse in his hand. The robber runs away.

Several people witness the incident and call the police. One witness chases after the would-be robber, but he gets away. When the police arrive, Bob is still on the ground holding the purse. The victim Lulu, not having seen who attacked her, starts screaming and pointing at Bob, shouting, "That's him! That's him! He tried to steal my purse!" She grabs her purse from Bob and hits him over the head with it.

The police officer asks Bob what happened, and Bob replies that he was trying to stop the robber from taking the woman's purse. Several witnesses come forward and confirm that Bob was not the thief. Bob's manager also tells the police officer that Bob was stocking paper plates at the time of the robbery and went to help the victim. The police look around and do not see the robber, and they arrest Bob for robbery and other charges.

Lesson 3: Mini-Lesson on Persuasive Thinking/Writing and Internet Research

After mini-lessons, teacher will show students the Internet version of the 14-minute video which all prospective jurors watch in the jury room prior to being sent to a court room (www.courtinfo.ca.gov/liury.video1.htm). Students will then research the



CALIFORNIA ON MY HONOR

Curricula for K-12 Civics Education

jury selection process (challenges for cause/peremptory challenges. Representative cross-section of the community concept, civic responsibility, etc.) and decide if they believe that all eligible citizens should be required to participate as jurors when called. Teacher will assist in internet search where needed.

Assessment:

Students will write a persuasive essay giving their position on jury duty being a civic obligation and will later participate in a debate against another student who has the opposite view.

Adaption for English Language Learners/Special Education Students:

The lessons in this Unit are designed to reach all learners as they include many visuals, audio presentation/explanations, and hands-on experience for the students.

Extension Ideas:

- Use Courts in the Classroom CD (Judicial Council of California, Administrative Office of the Courts) to do additional research/reporting out
- Use www.courtinfo.ca.gov/jury for additional information on jury requirements
- Watch Twelve Angry Men to obtain an interesting viewpoint of the jury deliberation process
- Use attached quotes to do a sorting activity (by person's attitude about juries) and to choose a quote to persuade in writing and in a presentation.

References:

- California Content Standards (www.cde.ca.gov)
- "Courts in the Classroom" CD/web site by Karen Viscia
- www.courtinfo.org
- www.ajs.org/jcliuries for overview of the history of jury trials



CALIFORNIA ON MY HONOR

Curricula for K-12 Civics Education

“ I consider trial by jury as the only anchor every yet imagined by man, by which a government can be held to the principles of its constitution.”

Thomas Jefferson

American 3rd US President (1801-09). Author of the Declaration of Independence, 1762-1826

“I’m no idealist to believe firmly in the integrity of our courts and in the jury system – that is no ideal to me, it is a living, working reality. Gentlemen, a court is no better than each man of you sitting before me on this jury. A court is only as sound as its jury, and a jury is only as sound as the men who make it up.”

Harper Lee

American writer b.1926

“It would be enough for me to have the system of a jury of twelve versus the system of one judge as a basis for preferring the U.S. to the Soviet Union. I would prefer the country you can leave to the country you cannot.”

Joseph Brodsk

Nobel Prize for Literature in 1987. 1940-1996

“Ending racial discrimination in jury selection can be accomplished only by eliminating peremptory challenges entirely.”

Thurgood Marshall

American jurist and lawyer, 1908-1993

“When you go into court, you are putting your fate into the hands of twelve people who weren’t smart enough to get out of jury duty.”

Norm Crosby

“The defendant wants to hide the truth because he’s generally guilty. The defense attorney’s job is to make sure the jury does not arrive at that truth.”

Alan M. Dershowitz



CALIFORNIA ON MY HONOR

Curricula for K-12 Civics Education

"A jury consists of twelve persons chosen to decide who has the better lawyer."

Robert Frost

American poet, 1874-1963

