

Utah State Bar Committee on Civics Education
Lesson Plan for Guest Speakers
2012 Lesson on the Role of the Judiciary

Committee Mission

The objective of the Utah State Bar Committee on Civics Education Program is to teach Utah's high school students the significance of the constitutional concepts of separation of powers and the role of the judiciary.

General Description

This lesson uses dialogue and interactive case study to analyze the separation of powers, the rule of law, and our independent judiciary.

Materials Needed

- Lesson Plan
 - 1 for each teacher and guest speaker
- Vocabulary List
 - 1 for each teacher and guest speaker
 - Ask the teacher to review the terms with the students a day or two before you teach the class. This will give the students a foundation for your discussion and will keep your presentation moving quickly.
- Vocabulary Terms Sheet
 - Print 3 copies, double-sided
- Vocabulary Definitions
 - Cut out 3 sets of the definitions and put into 3 envelopes labeled “Vocabulary Definitions”
- 3 Glue Sticks
- Fact Pattern
 - Print 30 copies or ask the teacher how many students are in the class.
- Background of Lawsuit—Appellant (Joel Kimball) **page 11**
 - Print 15 copies **on green paper**
- Background of Lawsuit—Appellee (Liberty City) **page 12**
 - Print 15 copies **on pink paper**
- Background of Lawsuit—Judges **page 13**
 - Print 3 copies **on yellow paper**

Timing of Lesson

60 minutes, including time for questions and answers with guest speaker

Lesson Plan Objectives

- To support public education by supplementing high school students' classroom education about civics, specifically learning about the judiciary and the rule of law, with an interactive program focusing on analytical and language arts skills.
- To instill a sense of civic responsibility and participation, and appreciation for the rule of law in high school students, specifically seniors who will be of voting age soon.
- To identify the three branches of government and the role of each.
- To help students understand the concepts of "separation of powers" and "checks and balances," and the role of the courts within these concepts.
- To inform students on how judges make decisions, on whom the other players are within the court system, and how their roles are different.
- To explore the concept of judicial review and the role of the third branch in examining the constitutionality of written laws and statutes.

Lesson Plan

(5 Minutes)

1. *Introduce yourself.* You are bringing a special opportunity to the classroom for these high school students, just by being you. You can offer the students a unique perspective about being a student, going to law school, and why you chose the practice of law for your career. Within your comfort, please tell the class why respecting our court system (and volunteering for a program like this) is so important to you. Consider discussing why you went to law school or wanted to be a lawyer, what you think of lawyers and judges on TV, or who your favorite legal character in a story is.

(10 Minutes)

2. *Vocabulary Speed Round.* Split the class into 3 groups. Give each group:
 - 1 Vocabulary Terms Sheet
 - 1 Envelope with Vocabulary Definitions
 - 1 Glue Stick

Ask the students to glue the definitions onto the term sheet. After 5 minutes, tell them to put the glue sticks down. Discuss the terms they were unable to match—these should be the terms that were the hardest for them to understand. Use this as a starting point for your discussion.

(5 Minutes)

3. *Fact Pattern.* Hand out the Fact Pattern and read it aloud to the class.
4. Ask students how the legislature and executive branches would work together to help form a solution to Liberty City's concerns. For example:
 - How can Liberty City's concerns be translated into law?
 - Do they file a petition with the court?
 - What happens after the legislature proposes new legislation?
 - Does the legislature make it law?
 - Who is the governor of Utah?

(5 Minutes)

5. *The Law.* Ask the students to come up with three examples of laws that would address Liberty City's concerns. Encourage them to be creative.
6. Discuss the two pieces of legislation that were actually signed into law.
 - a) No vehicles will be driven in Liberty City parks.
 - b) Noise is prohibited in Liberty City neighborhoods after 10 pm.

Lesson Plan (cont'd)

(15 Minutes)

7. *The Case*. Split the class into 3 new groups: appellants, appellees, and judges. There should be 3 judges and the rest of the students should be split evenly between the other two groups.
8. Distribute Backgrounds to each group:
 - Appellant (Joel Kimball)--*green* paper
 - Appellee (Liberty City)--*pink* paper
 - Judges--*yellow* paper
9. Ask the students to read the backgrounds to themselves, then consider the questions at the bottom of the page.
10. Remind the students about the procedural posture of the case. We are at the *appellate* level, so the question is whether the trial court correctly applied the law.
11. Work with each group individually to develop their arguments. Ask the teacher to help with this task. If possible, have the judges work outside the classroom so they don't hear proposed arguments before moot court begins.
12. Ask two volunteers from both the appellant and appellee groups to give oral argument to the judges.

(15 Minutes)

13. *Oral Argument*. Each side gets 5 minutes to make its argument. The judges then get 5 minutes to ask questions. Ask each judge to ask at least one question.

(5 Minutes)

14. Debrief—discuss the activity and answer questions about the process, including what the students can do to help make a better outcome for cases like this in the future.

Vocabulary List

Three Branches of Government– Executive, Legislative, Judicial: The division of government in the United States into three parts that work together and independently to make law (legislative branch), carry out the law (executive branch), and interpret the law (judicial branch).

Judicial Independence: The concept that the third branch, or judicial branch, makes its decisions not based on politics or personal favor, but instead based on evidence and the impartial interpretation of the Constitution. Judges are the custodian of the law.

Separation of Powers: The system of vesting separate and unique roles/powers based on the articles of the Constitution, which are not to be interfered upon by the other branches.

Checks and Balances: The concept that all of the branches of government are to work together for common goals, therefore limits are imposed and rights are given to review each other's work when it falls under the other branches' purview.

Rule of Law: The United States is governed by this principle that all individuals and institutions are both subject to and accountable to the law, even when they disagree with the law. The law can be changed and citizens can be involved in their government to influence and amend its laws, especially to ensure the law is fairly applied and enforced.

The Bar: A professional body of lawyers which may regulate the practice of law and serve its members. In Utah, membership in the Utah Bar is required in order to practice law. (*Consider discussing "the bar of the court," the divider between gallery and well of the court, as relating to the naming of this organization.*)

District, Appeals, Supreme Court(s): The three levels of court with corresponding higher, reviewing authority.

Attorney/Lawyer/Counselor/Advocate: A professional who is trained in the history, traditions, and rules of the legal system, who is licensed to practice to law.

Prosecution: The government lawyers who bring the charges and evidence to court in a criminal case, and bear the burden of proof beyond a reasonable doubt.

Plaintiff: The party who initiates a civil lawsuit.

Defense: In a criminal case, the person who responds to the charges of the government regarding their conduct. In a civil case, the person or organization who replies to the lawsuit accusations against them.

Appellant: The person who appeals an earlier court decision.

Appellee: The person who won judgment in an earlier court, against whom an appeal is taken.

Vocabulary Terms

Three Branches of Government– Executive, Legislative, Judicial	
Judicial Independence	
Separation of Powers	
Checks and Balances	
Rule of Law	
The Bar	

Vocabulary Terms

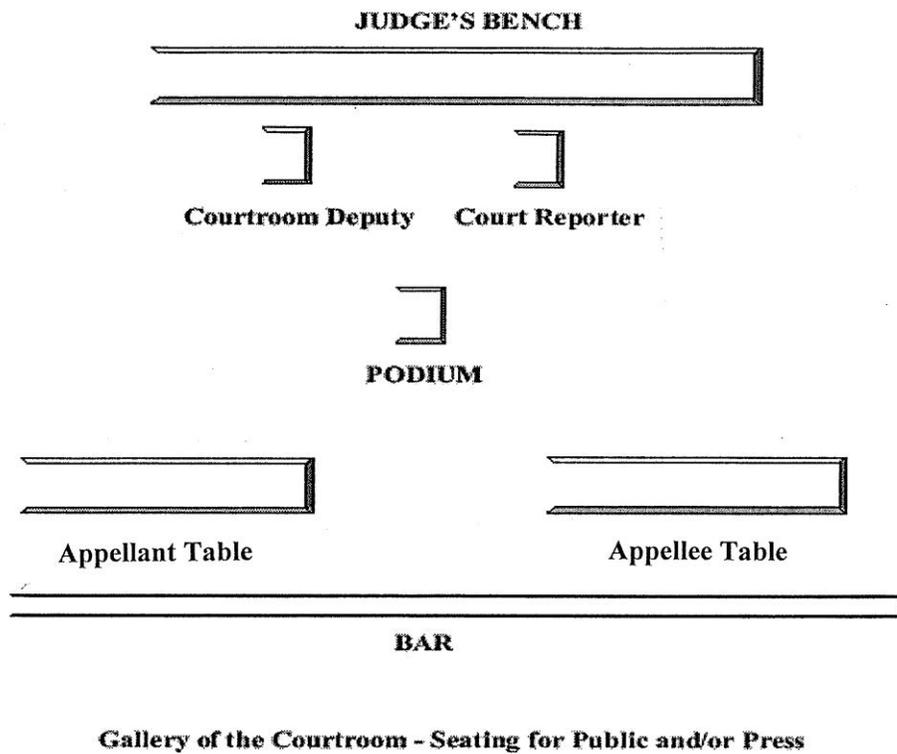
District, Appeals, Supreme Court(s)	
Attorney/Lawyer/ Counselor/Advocate	
Prosecution	
Plaintiff	
Defense	
Appellant	
Appellee	

Vocabulary Definitions

<p>The division of government in the United States into three parts that work together and independently to make law (legislative branch), carry out the law (executive branch), and interpret the law (judicial branch).</p>
<p>The concept that the third branch, or judicial branch, makes its decisions not based on politics or personal favor, but instead based on evidence and the impartial interpretation of the Constitution. Judges are the custodian of the law.</p>
<p>The system of vesting separate and unique roles/powers based on the articles of the Constitution, which are not to be interfered upon by the other branches.</p>
<p>The concept that all of the branches of government are to work together for common goals, therefore limits are imposed and rights are given to review each other's work when it falls under the other branches' purview.</p>
<p>The United States is governed by this principle that all individuals and institutions are both subject to and accountable to the law, even when they disagree with the law. The law can be changed and citizens can be involved in their government to influence and amend its laws, especially to ensure the law is fairly applied and enforced.</p>
<p>A professional who is trained in the history, traditions, and rules of the legal system, who is licensed to practice law.</p>
<p>A professional body of lawyers which may regulate the practice of law and serve its members. In Utah, membership in the Utah Bar is required in order to practice law.</p>
<p>The government lawyers who bring the charges and evidence to court in a criminal case, and bear the burden of proof beyond a reasonable doubt.</p>
<p>The party who initiates a civil lawsuit.</p>
<p>In a criminal case, the person who responds to the charges of the government regarding their conduct. In a civil case, the person or organization who replies to the lawsuit against them.</p>
<p>The person who appeals an earlier court decision.</p>
<p>The person who won judgment in an earlier court, against whom an appeal is taken.</p>
<p>The three levels of court with correspondingly higher, reviewing authority.</p>

Suggested Classroom Set-Up*

COURTROOM LAYOUT



*Ask the teacher to set up the classroom before your arrival.

Fact Pattern

Liberty City, Utah is a wonderful, quaint place to live. Liberty City is just outside one of Utah's metropolitan areas, but not part of its downtown bustle.

It is a small enough city to be comfortable and unhurried, without being out of touch with technology, jobs, and opportunity. Families that have grown up there are grateful to come from there, and many new families are beginning to relocate to Liberty City because of its charm and ease.

One of the greatest assets of Liberty City is its parks. The community has preserved a handful of parcels of land throughout the city to prioritize tranquility and environmental consciousness. The residents and leaders of Liberty City do not want pollution from their cars, noise from unruly behavior, or garbage from inconsiderate people to change their lifestyle or the environment in which they live.

Liberty City residents are active in their government, so many have emailed their state legislators to voice their concerns. These residents do not want cars driving over protected areas like parks, they do not want late-night noise to disrupt the quiet peace of their small town, and they do not want busy city dwellers to change the cleanliness of their local environment.

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- 1) What could a legislature do to assist with these community concerns?
 - 2) What law(s) could be passed to resolve the community concerns?

Background of Lawsuit--Appellant (Joel Kimball)

There are two laws in Liberty City relating to parks:

- a) No vehicles will be driven in Liberty City parks.
- b) Noise is prohibited in Liberty City neighborhoods after 10 pm.

You work for Good Care Ambulance Company. On a late evening about ten days ago, you were driving near the City Park when you saw a person collapse suddenly. The situation seemed without explanation to you, and your instincts and training kicked in.

You were returning the ambulance to the hospital for the night, so you just raced into the Park. You transported the resident to the hospital for care.

You were given a citation from Liberty City for violation of the Liberty City law which states that there shall be no vehicles driven through Liberty City parks. The possible fine/penalty for this offense is \$500 - \$5000 for first offense, or up to 365 days in county jail.

Liberty City charged you in Twelfth District Court with this offense and the trial court sentenced him to 365 days in jail.

Liberty City also charged you with being inside the park and causing a neighborhood commotion after 10 pm. In addition to your vehicle-related sentence, you were ordered to pay a \$1000 fine for the disturbance.

You have decided to appeal the trial court's rulings. What are your best arguments?

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- 1) Is the law clear? Is the law constitutional?
 - 2) What were the original charges? Did you understand them?
 - 3) Are the charges fair? Does the punishment suit the crime committed?
 - 4) Was the process by which you were tried fair? Did you have a lawyer? Did you understand what was happening as it was occurring?
 - 5) Does the law allow for reasonable exceptions to the rule?

Background of Lawsuit--Appellee (Liberty City)

There are two laws in Liberty City relating to parks:

- a) No vehicles will be driven in Liberty City parks.
- b) Noise is prohibited in Liberty City neighborhoods after 10 pm.

Joel Kimball works for Good Care Ambulance Company. On a late evening about ten days ago, Mr. Kimball was driving near the City Park when he saw a person collapse suddenly. He raced into the Park in his ambulance and transported the resident to the hospital for care.

Mr. Kimball was given a citation for violation of the Liberty City law which states that there shall be no vehicles driven through Liberty City parks. The possible fine/penalty for this offense is \$500 - \$5000 for first offense, or up to 365 days in county jail.

Liberty City charged Mr. Kimball in Twelfth District Court for this offense and the trial court sentenced him to 365 days in jail.

Liberty City also charged Mr. Kimball with being inside the park and causing a neighborhood commotion after 10 pm. For this offense, Mr. Kimball was fined \$1000 for the disturbance.

Mr. Kimball has appealed the trial court's rulings. You must defend the trial court's rulings.

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- 1) How might Liberty City defend the ruling on appeal?
 - 2) Was it clear what behavior the law allowed/disallowed in this situation?
 - 3) Did Mr. Kimball follow the law? Why or why not?
 - 4) Can you demonstrate what was wrong with the behavior?
 - 5) Can you show that the trial court was fair?

Background of Lawsuit--Judges

There are two laws in Liberty City relating to parks:

- a) No vehicles will be driven in Liberty City parks.
- b) Noise is prohibited in Liberty City neighborhoods after 10 pm.

Joel Kimball works for Good Care Ambulance Company. On a late evening about ten days ago, Mr. Kimball was driving near the City Park when he saw a person collapse suddenly. He raced into the Park in his ambulance and transported the resident to the hospital for care.

Mr. Kimball was given a citation for violation of the Liberty City law which states that there shall be no vehicles driven through Liberty City parks. The possible fine/penalty for this offense is \$500 - \$5000 for first offense, or up to 365 days in county jail.

Liberty City charged Mr. Kimball in Twelfth District Court for this offense and the trial court sentenced him to 365 days in jail.

Liberty City also charged Mr. Kimball with being inside the park and causing a neighborhood commotion after 10 pm. For this offense, Mr. Kimball was fined \$1000 for the disturbance.

Mr. Kimball has appealed the trial court's rulings. You must determine whether to uphold those rulings or overturn them.

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- 1) How will you come to your decision?
 - 2) Can you follow the law as it is written, in prior decisions of the court and in the Constitution?
 - 3) Are you assessing the proof provided or the people providing the proof?
 - 4) Can you listen with an open mind to both sides' evidence and both points of view?
 - 5) Can you work together as a group, listen to the evidence and argument, and come to a group conclusion?
 - 6) What if you disagree with the majority view?

Debriefing

1. Talk to the students about the case.
 - a) Were the results of the trial court fair?
 - b) Was the result at the appellate level fair?
 - c) How did each of the branches of government work together in this case?
 - d) What changes could be made to help bring about a better outcome?
 - e) What can the students do as citizens to ensure a more fair outcome?
 - f) Can judges just change the law from the bench?
 - g) Can judges make a suggestion that the legislature who drafted the law revisit the law?
2. Discuss the concept of judicial review. Why would the Constitution and Supreme Court precedent (Marbury v Madison) afford federal appellate judges the role of reviewing pieces of legislation/written laws?

“But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy.” Marbury v Madison (1803).

“It is emphatically the duty of the Judicial Department to say what the law is.”
Marbury v Madison (1803)

3. Writing Assignment to Conclude the Lesson:
 - a. Write whether or not you agree with the appellate court decision in this case. Do you agree with the court’s majority? Or do you agree with the dissenting opinion, if there was such an opinion in your case?
 - b. Write two reasons why you agree/disagree.

Follow-Up Resources

- Utah State Courts: www.utcourts.gov
- American Bar Association: www.abanet.org
- Liberty City law Related Education: www.lawrelatededucation.org
- Voter Registration: <http://vote.utah.gov/register-to-vote/>