

Verona Public School District Curriculum Overview

CONSTITUTIONAL AND TRIAL LAW



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Verona Public Schools
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Verona Public Schools Mission Statement:

The mission of the Verona Public Schools, the center of an engaged and supportive community, is to empower students to achieve their potential as active learners and productive citizens through rigorous curricula and meaningful, enriching experiences.

Course Description:

This semester-long course will explore the development of Constitutional and Civil Rights law in the United States. Students will learn how to interpret and apply United States Supreme Court decisions in an effort to understand the historical and modern legal environments. Students will actively participate in moot court exercises that explore some of the greatest legal questions of our time. Students will then apply Federal and state statute, rules of evidence, and trial procedure to given scenarios during mock trial exercises. The course will include expert guest speakers from the legal profession.

Prerequisite(s):

None

Standard 8: Technology Standards

8.1: Educational Technology: <i>All students will use digital tools to access, manage, evaluate, and synthesize information in order to solve problems individually and collaborate and to create and communicate knowledge.</i>	8.2: Technology Education, Engineering, Design, and Computational Thinking - Programming: <i>All students will develop an understanding of the nature and impact of technology, engineering, technological design, computational thinking and the designed world as they relate to the individual, global society, and the environment.</i>
<ul style="list-style-type: none"> A. Technology Operations and Concepts X B. Creativity and Innovation X C. Communication and Collaboration X D. Digital Citizenship X E. Research and Information Fluency X F. Critical thinking, problem solving, and decision making 	<ul style="list-style-type: none"> A. The Nature of Technology: Creativity and Innovation X B. Technology and Society C. Design D. Abilities for a Technological World E. Computational Thinking: Programming

SEL Competencies and Career Ready Practices

Social and Emotional Learning Core Competencies: <i>These competencies are identified as five interrelated sets of cognitive, affective, and behavioral capabilities</i>	Career Ready Practices: <i>These practices outline the skills that all individuals need to have to truly be adaptable, reflective, and proactive in life and careers. These are researched practices that are essential to career readiness.</i>
Self-awareness: The ability to accurately recognize one's emotions and thoughts and their influence on behavior. This includes accurately assessing one's strengths and limitations and possessing a well-grounded sense of confidence and optimism.	<ul style="list-style-type: none"> X CRP2. Apply appropriate academic and technical skills. X CRP9. Model integrity, ethical leadership, and effective management. CRP10. Plan education and career paths aligned to personal goals.
Self-management: The ability to regulate one's emotions, thoughts, and behaviors effectively in different situations. This includes managing stress, controlling impulses, motivating oneself, and setting and working toward achieving personal and academic goals.	<ul style="list-style-type: none"> CRP3. Attend to personal health and financial well-being. X CRP6. Demonstrate creativity and innovation. X CRP8. Utilize critical thinking to make sense of problems and persevere in solving them. X CRP11. Use technology to enhance productivity.
Social awareness: The ability to take the perspective of and empathize with others from diverse backgrounds and cultures, to understand social and ethical norms for behavior, and to recognize family, school, and community resources and supports.	<ul style="list-style-type: none"> X CRP1. Act as a responsible and contributing citizen and employee. X CRP9. Model integrity, ethical leadership, and effective management.
Relationship skills: The ability to establish and maintain healthy and rewarding relationships with diverse individuals and groups. This includes communicating clearly, listening actively, cooperating, resisting inappropriate social pressure, negotiating conflict constructively, and seeking and offering help when needed.	<ul style="list-style-type: none"> X CRP4. Communicate clearly and effectively and with reason. X CRP9. Model integrity, ethical leadership, and effective management. X CRP12. Work productively in teams while using cultural global competence.
Responsible decision making: The ability to make constructive and respectful choices about personal behavior and social interactions based on consideration of ethical standards, safety concerns, social norms, the realistic evaluation of consequences of various actions, and the well-being of self and others.	<ul style="list-style-type: none"> X CRP5. Consider the environmental, social, and economic impact of decisions. X CRP7. Employ valid and reliable research strategies. X CRP8. Utilize critical thinking to make sense of problems and persevere in solving them. X CRP9. Model integrity, ethical leadership, and effective management.

Standard 9: 21st Century Life and Careers

9.1: Personal Financial Literacy: <i>This standard outlines the important fiscal knowledge, habits, and skills that must be mastered in order for students to make informed decisions about personal finance. Financial literacy is an integral component of a student's college and career readiness, enabling students to achieve fulfilling, financially-secure, and successful careers.</i>	9.2: Career Awareness, Exploration & Preparation: <i>This standard outlines the importance of being knowledgeable about one's interests and talents, and being well informed about postsecondary and career options, career planning, and career requirements.</i>	9.3: Career and Technical Education: <i>This standard outlines what students should know and be able to do upon completion of a CTE Program of Study.</i>
<ul style="list-style-type: none"> A. Income and Careers B. Money Management C. Credit and Debt Management D. Planning, Saving, and Investing E. Becoming a Critical Consumer F. Civic Financial Responsibility G. Insuring and Protecting 	<ul style="list-style-type: none"> A. Career Awareness (K-4) B. Career Exploration (5-8) X C. Career Preparation (9-12) 	<ul style="list-style-type: none"> A. Agriculture, Food & Natural Res. B. Architecture & Construction C. Arts, A/V Technology & Comm. D. Business Management & Admin. E. Education & Training F. Finance G. Government & Public Admin. H. Health Science I. Hospital & Tourism J. Human Services K. Information Technology X L. Law, Public, Safety, Corrections & Security M. Manufacturing N. Marketing O. Science, Technology, Engineering & Math P. Transportation, Distribution & Log.

Course Materials

Core Instructional Materials: <i>These are the board adopted and approved materials to support the curriculum, instruction, and assessment of this course.</i>	Differentiated Resources: <i>These are teacher and department found materials, and also approved support materials that facilitate differentiation of curriculum, instruction, and assessment of this course.</i>
<p>United States Constitution</p>	<ul style="list-style-type: none"> ● <i>Marbury v. Madison (1803)</i> ● <i>McCulloch v. Maryland (1819)</i> ● <i>Gibbons v. Ogden (1824)</i> ● <i>Dartmouth College v. Woodward (1819)</i> ● <i>Barron v. Baltimore (1833)</i> ● <i>*Gitlow v. New York (1925)</i> ● <i>Near v. Minnesota (1931)</i> ● <i>Palko v. Connecticut (1937)</i> ● <i>*Everson v. Board of Education (1942)</i> ● <i>Engel v. Vitale (1962)</i>

- **Lemon v. Kurtzman (1971)*
- *Wallace v. Jaffree (1985)*
- *Westside Community Schools v. Mergens (1990)*
- *Santa Fe Independent School District v. Doe (2000)*
- *Zelman v. Simmons-Harris (2002)*
- *Ten Commandments cases: McCreary County, KY v. American Civil Liberties Union of Kentucky and Van Orden v. Perry (2005)*
- **Reynolds v. United States (1879)*
- *Sherbert v. Verner (1963)*
- **Employment Division, Department of Human Resources of Oregon v. Smith (1990)*
- *Church of the Lukumi Babalu Awe, v. City of Hialeah (1993)*
- **Schenck v. United States (1919)*
- **Gitlow v. New York (1925)*
- **Near v. Minnesota (1931)*
- *New York Times Co. v. Sullivan (1964)*
- **Tinker v. Des Moines Independent Community School District (1969)*
- **New York Times Co. v. U.S. (1971)*
- *Miller v. California (1973)*
- *Bethel School District No. 403 v. Fraser (1986)*
- *Hazelwood School District v. Kuhlmeier (1988)*
- *Texas v. Johnson (1989)*
- *Reno v. ACLU (1997)*
- *Morse v. Frederick (2007)*
- **NAACP v. Alabama (1958)*
- *Boy Scouts of America v. Dale (2000)*
- **Mapp v. Ohio (1961)*
- **Gideon v. Wainwright (1963)*
- **Miranda v. Arizona (1966)*
- *Death Penalty: Furman v. Georgia (1972) and Gregg v. Georgia (1976)*
- *New Jersey v. T.L.O (1985)*
- **Plessy v. Ferguson (1896)*
- **Korematsu v. United States (1944)*
- **Brown v. Board of Education of Topeka (1954)*
- **Regents of the University of California v. Bakke (1978)*
- *Lawrence v. Texas (2003)*
- *Grutter v. Bollinger (2003) and Gratz v. Bollinger (2003)*
- **Griswold v. Connecticut (1965)*
- *Reed v. Reed (1971)*

- **Roe v. Wade (1973)*
- *Webster v. Reproductive Health Services (1989)*
- *Planned Parenthood v. Casey (1992)*
- *Gonzalez v. Carhart (2007)*
- *Obergefell v. Hodges (2015)*
- *Gonzales v. Raich (2005)*
- *Riley v. California (2014)*
- *Buckley v. Valeo (1976)*
- *Citizens United v. FEC (2010)*
- *In re Gault (1967)*
- Street Law Resources
- Oyez.org by Cornell Law
- New Jersey State Bar Foundation Mock Trial Handbook(s)
- New Jersey State Bar Foundation Student Rights Handbook
- Gideon's Trumpet Film
- Various YouTube videos with attorneys explaining legal issues
- New Jersey Statutes Annotated
- United States Code
- Supreme Court Reporter
- *McElhaney's Trial Notebook*

Stage 1: Desired Results

Established Goals:

New Jersey Student Learning Standards (NJSLs) for Social Studies:

- 6.1.12.A.2.a: Assess the importance of the intellectual origins of the Foundational Documents (i.e., Declaration of Independence, the Constitution, and Bill of Rights) and assess their importance on the spread of democracy around the world
- 6.1.12.A.2.b: Compare and contrast state constitutions, including New Jersey's 1776 constitution, with the United States Constitution, and determine their impact on the development of American constitutional government.
- 6.1.12.A.2.c: Compare and contrast the arguments of Federalists and Anti-Federalists during the ratification debates, and assess their continuing relevance.
- 6.1.12.A.2.d: Explain how judicial review made the Supreme Court an influential branch of government, and assess the continuing impact of the Supreme Court today.
- 6.1.12.A.4.c: Judge the effectiveness of the 13th, 14th, and 15th Amendments in obtaining citizenship and equality for African Americans.
- 6.1.12.A.13.b: Analyze the effectiveness of national legislation, policies, and Supreme Court decisions (i.e., the Civil Rights Act, the Voting Rights Act, the Equal Rights Amendment, Title VII, Title IX, Affirmative Action, *Brown v. Board of Education*, and *Roe v. Wade*) in promoting civil liberties and equal opportunities.
- 6.1.12.A.14.a: Evaluate the effectiveness of the checks and balances system in preventing one branch of national government from usurping too much power during contemporary times.
- 6.1.12.A.14.b: Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual, and evaluate the impact on public policies.
- 6.1.12.A.14.f: Determine the extent to which nongovernmental organizations, special interest groups, third party political groups, and the media affect public policy.
- 6.1.12.A.16.b: Analyze government efforts to address intellectual property rights, personal privacy, and other ethical issues in science, medicine, and business that arise from the global use of new technologies.
- 6.3.12.D.1: Analyze the impact of current governmental practices and laws affecting national security and/or individual civil rights/ privacy.

New Jersey Student Learning Standards (NJSLs) for Literacy:

- RH.11-12.1. Accurately cite strong and thorough textual evidence, (e.g., via discussion, written response, etc.), to support analysis of primary and secondary sources, connecting insights gained from specific details to develop an understanding of the text as a whole.
- RH.11-12.2. Determine the theme, central ideas, information and/or perspective(s) presented in a primary or secondary source; provide an accurate summary of how key events, ideas and/or author's perspective(s) develop over the course of the text.
- RH.11-12.4 Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines *faction* in *Federalist* No. 10).
- RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, qualitatively, as well as in words) in order to address a question or solve a problem.
- RH.11-12.8. Evaluate an author's claims, reasoning, and evidence by corroborating or challenging them with other sources.
- WHST.11-12.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

WHST.11-12.6. Use technology, including the Internet, to produce, share, and update writing products in response to ongoing feedback, including new arguments or information.
WHST.11-12.9 Draw evidence from informational texts to support analysis, reflection, and research.

Transfer

Transfer Goal:

Students will be able to independently use their learning to...

Students will be able to independently use their learning to prepare and analyze arguments in a moot court exercise that focuses on significant contemporary legal issues.

Meaning

Students will understand that:

Students will understand that:

- The purpose of law is to maintain an orderly society; however, individuals, groups, and special interests propose laws and influence decisions in order to secure advantage.
- Laws can be introduced both proactively and retroactively; however, the latter is most common due to the nature of the American legal system. Judicial decisions likewise respond to public opinion.
- There is an ongoing scholarly and political debate over whether judicial decision making is aligned with founder intentions.
- The rights of Americans emanate from both the Constitution and civil rights legislation, both of which are influenced by historical and international documents.
- One's civil liberties may only extend as far as the limits of those of another individual.
- Legal interpretation and decision making are inconsistent due to ideological biases and regional priorities.
- The precedent based legal system has both advantages and disadvantages.
- The tiered court system provides for greater efficiency, while also resulting in inconsistency in legal decision-making.

Essential Questions:

- What is the purpose of law?
- Why are certain laws introduced or judicial decisions made?
- To what extent do current judicial decisions meet the intentions of the framers of the constitution?
- From where do the rights of Americans emanate?
- To what extent should the civil liberties of an individual be protected?
- Why are there inconsistencies in legal interpretation and judicial decision making?
- What are the consequences of a precedent-based legal system?
- What are the consequences of a tiered court system?

Acquisition of Knowledge & Skills

Students will know:

- The U.S. Constitution was a product of debate and the synthesis of examples from states and other countries.
- The American Constitution was a product of the Enlightenment, and the legal system is based somewhat on English common law.

Students will be able to:

- Describe the process by which the American Constitution was developed.
- Identify the intellectual origins of the American Constitution and legal system.
- Explain how Federalism influences government actions.
- Analyze the strengths and limits of the Constitution as designed.

- The U.S. employs a federalist system that separates power between the state and national governments.
- The Constitution is one of the government structures with the most consistent longevity
- The Constitution was not written to account for every eventuality in government.
- The Constitution had been amended 27 times, but has changed consistently through judicial review.
- Judicial review is both promoted and challenged by all ideologies.
- Judicial review has allowed for both the strengthening of the government and individual rights.
- Checks and balances ensure that one branch of government does not become overly powerful.
- The Federal court system includes district/magistrate courts, circuit courts of appeal, and the Supreme Court.
- The general assumption in the legal system is that one's rights extend so far as they interfere with the legitimate practice of another.
- Free speech does not include libelous or slanderous words.
- *Citizens United v. FEC* and *Buckley v. Valeo* have interpreted political contributions as speech.
- The courts have upheld the right to expressive speech in cases such as *Tinker v. DeMoines*.
- The courts have ruled that students are guaranteed certain constitutional protections that do not interfere with the effective administration of schools.
- *New York Times v. Sullivan* created the actual malice standard, which allows press great latitude in publication; however, the press can still be restricted due to matters of national security.
- Free press has also caused individuals to claim bias in the media
- The free exercise clause restricts the government from interfering with religious practice except in circumstances in which there would be a greater harm.
- The establishment clause prohibits the government from creating a state religion or supporting one over another, but does not completely restrict government providing money to religious institutions for secular purposes.
- Freedom of petition has provided for initiative and referendum processes in American locales.
- Freedom of assembly serves as an extension of other civil liberties.
- The application of the second amendment in modern society is continuously debated with respect to founder intent and necessity.

- Analyze how the Constitution has changed through both Amendments and judicial review.
- Debate whether judicial review is a positive or negative power of the U.S. Supreme Court.
- Identify the purpose and presence of checks and balances in the Constitution.
- Describe the tiered structure of the Federal court system.
- Analyze the extent of the right to free speech.
- Debate whether political donations should be regarded as political speech.
- Differentiate between traditional and expressive speech.
- Analyze why students enjoy particular Constitutional protections in schools.
- Analyze the rationale for, and consequences of, free press in the U.S.
- Differentiate between the free exercise and establishment clauses.
- Debate the extent to which free exercise of religion should be allowed.
- Debate whether New Jersey laws/decisions that require public school districts to pay for private school busing, nursing, security, and technology should be rescinded/revised.
- Analyze why freedom of petition remains a useful provision.
- Analyze how freedom of assembly relates to the other First Amendment provisions.
- Debate the application of Second Amendment protections to contemporary situations.
- Apply Fourth Amendment Case law to new scenarios.
- Debate whether Fourth Amendment protections should be expanded or contracted.
- Debate whether due process is guaranteed to all persons in the legal system.
- Analyze the impact of protections against self-incrimination.
- Apply the principle of double jeopardy to new situations.
- Analyze whether the "speedy trial" doctrine is a reality in modern society.
- Analyze the development of the right to government provided counsel in America.
- Analyze how the right of counsel has influenced the legal system.
- Analyze how jury selection procedures influence trial outcomes.
- Debate the necessity of bail reform.
- Analyze the ongoing debate over the death penalty.
- Analyze how the application of evolving standards of decency influences judicial decision making.
- Evaluate the reasons for, and application of, the Ninth Amendment.
- Evaluate the reasons for, and application of, the Tenth Amendment

CONSTITUTIONAL AND TRIAL LAW

- Search and seizure is governed by an evolving reasonable person standard.
- Search and seizure guidelines differ from state to state.
- Rules of evidence allow for admissibility of otherwise unusable evidence when certain criteria exist.
- There are national security consequences resulting from expansion of freedom from search and seizure, thus the Patriot Act was introduced.
- There is a debate over whether due process is granted to all Americans, regardless of socioeconomic status.
- Time of arrest to time of trial in crime/felony situations has become more lengthy due to pre-trial activities, judge shortages, and resource issues.
- The right of counsel did not originally include the government supplying the attorney for indigent individuals.
- The right to counsel was won during *Gideon v. Wainwright*.
- The right to counsel has created a legal system in which due process is clearer.
- Jury selection is used by attorneys in order to find individuals that will be favorable to their case.
- Jury selection processes have created racially segregated juries, and have thus become greatly criticized.
- Bail reform has become more prevalent in states, especially New Jersey, as pretrial confinement has become more lengthy.
- Evolving standards of decency have resulted in criminal sanctions becoming excluded, and the death penalty being used in fewer cases.
- The Ninth Amendment ensures that the rights provided in the Constitution do not constitute an exhaustive list.
- The Tenth Amendment reserves powers not granted to the Federal government or specifically prohibited to the states to be reserved for the states or people directly.
- The Equal Protection Clause of the 14th Amendment allowed the Supreme Court to select which constitutional rights should be incorporated to the states.
- A Writ of Certiorari is most likely to be granted when two Circuit Courts of Appeals render different decisions in cases with similar issues of law.
- The limited schedule of the Supreme Court restricts the ability of the body to adjudicate all cases, thus *stare decisis* prevails.
- The Supreme Court has several options as to the disposition of cases.

- Describe how the Equal Protection clause of the 14th Amendment was used to justify selective incorporation.
- Describe how the citizenship and due process clauses of the 14th Amendment have been applied by the courts.
- Justify whether any additional rights/protections should be included in Constitutional protections.
- Identify when a Writ of Certiorari is likely to be granted by the Supreme Court
- Analyze the consequences of the limited schedule of the Supreme Court
- Identify possible actions that might be taken by the Supreme Court.
- Differentiate between judicial activism and judicial restraint.
- Differentiate between opinions of the court, concurring opinions, and dissenting opinions.
- Analyze the validity of the science of analyzing judicial decisions.
- Construct and defend a moot court argument.
- Analyze and question moot court arguments of peers.
- Provide well-reasoned judicial decisions.

Stage 2: Acceptable Evidence

Transfer Task

Students will create and analyze historical and novel legal arguments during a moot court exercise that examines Supreme Court cases of contemporary interest for students.

Unit Title / Topic: 2 / Criminal and Civil Procedure (Trial Law) /
Mock Trial

Unit Duration: 10 Weeks

Stage 1: Desired Results

Established Goals:

New Jersey Student Learning Standards (NJSLs) for Social Studies:

No relevant NJSLs for Social Studies exist for this unit.

New Jersey Student Learning Standards (NJSLs) for Literacy:

RH.11-12.1. Accurately cite strong and thorough textual evidence, (e.g., via discussion, written response, etc.), to support analysis of primary and secondary sources, connecting insights gained from specific details to develop an understanding of the text as a whole.

RH.11-12.2. Determine the theme, central ideas, information and/or perspective(s) presented in a primary or secondary source; provide an accurate summary of how key events, ideas and/or author's perspective(s) develop over the course of the text.

RH.11-12.4 Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines *faction* in *Federalist* No. 10).

RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, qualitatively, as well as in words) in order to address a question or solve a problem.

RH.11-12.8. Evaluate an author's claims, reasoning, and evidence by corroborating or challenging them with other sources.

WHST.11-12.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

WHST.11-12.6. Use technology, including the Internet, to produce, share, and update writing products in response to ongoing feedback, including new arguments or information.

WHST.11-12.9 Draw evidence from informational texts to support analysis, reflection, and research.

Transfer

Transfer Goal:

Students will be able to independently use their learning to...

Students will be able to independently use their learning to organize evidence and create testimony/arguments in a mock trial of a civil and/or criminal case.

Meaning

Students will understand that:

Students will understand that:

Essential Questions:

- Why are statutes written?
- What are the consequences of access to an appellate system?

<ul style="list-style-type: none"> ● Statutes are written for legitimate reasons of preserving order, but are also greatly influenced by individuals and special interests. ● The access to an appellate system helps to ensure fairness, but also leads to the prolonged adjudication of cases. ● The burden of proof varies based on the potential consequences of the case. ● Effectiveness of legal arguments vary based on type of court and trial. ● Witness statements may or may not be evaluated as credible by the finder of fact. ● There continues to be a debate over whether juries are the most appropriate finders of fact. ● Jury award limits have been consistently debated in political spheres. 	<ul style="list-style-type: none"> ● Why does burden of proof vary? ● What are the most effective methods to prove a legal argument? ● What influence do witness statements have on the outcome of a case? ● Are juries the most appropriate finders of fact? ● Should there be limits on jury awards?
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Acquisition of Knowledge & Skills

<p>Students will know:</p> <ul style="list-style-type: none"> ● Civil law involves disagreements between individuals or entities. ● Criminal law involves offenses against the state and society. ● Civil cases are resolved through orders and financial awards. ● Criminal cases are resolved through loss of resources and liberty. ● Special interests lobby legislators in order to establish legislation favorable to specific causes. ● Special interests often provide specific, detailed information to which legislators may not otherwise have access. ● Cases will be most successful on appeal when there is a clear error of law present in a lower court proceeding. ● Except in certain cases, appeals are not guaranteed. ● Statutes have different elements that must be met in order for a violation to occur. ● Statute is determined by legislative bodies, while code is created by executive branch agencies. ● The burden of proof in criminal case rests on the prosecutor who must demonstrate guilt beyond a reasonable doubt. ● The burden of proof in civil cases typically is that of a preponderance of the evidence, which must be established by the plaintiff. ● Legal issues can be clear in cases, but can also be very subtle. ● Not all information contained in statements and investigative reports is relevant to the case. ● Witnesses have individual interests and biases that can influence credibility. ● Eyewitness testimony is not the most reliable evidence. ● Cases should revolve around specific themes in order to maintain the attention of juries. 	<p>Students will be able to:</p> <ul style="list-style-type: none"> ● Describe the difference between civil and criminal law. ● Describe the structure of the civil and criminal court systems. ● Analyze how special interests have an impact on legislation. ● Analyze which circumstances are ripe for appeals. ● Describe the appeals process.. ● Identify the elements of crimes and civil statutes. ● Differentiate between statute and code/regulations. ● Differentiate between the various levels of burden of proof present in the legal system. ● Identify the key legal issues of a case based on a provided fact pattern. ● Identify “red herrings” and other irrelevant information in a fact pattern. ● Analyze witness statements for information, bias, and personal interest. ● Identify key themes for proving a legal case. ● Write opening and closing arguments based on case themes. ● Analyze the role of objections during a trial. ● Exhibit proper presentation and lawyermanship skills. ● Differentiate between direct and cross examinations. ● Construct effective direct examinations. ● Construct effective cross examinations. ● Effectively act as a witness in a mock trial through understanding of statements. ● Effectively assume a witness persona for the purpose of a mock trial. ● Identify the various elements of a jury charge. ● Construct a jury charge. ● Describe the role of juries in criminal and civil cases. ● Analyze the implications of the jury selection process. ● Differentiate between peremptory challenges and those for cause.
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- Case themes should be consistent throughout trial.
- Direct examination relies on the witness to tell a story, while cross examination is the opportunity to impeach the witness by asking leading questions.
- Jury charges contain the role of the jurors, the instructions of the judge on how the law is interpreted, and elements that must be present in order to result in a particular finding.
- Juries can both help and hurt cases.
- Juries are not always passive participants in every state.
- Peremptory challenges do not require an explanation, while those for cause do.
- Peremptory challenges are typically limited by law.
- Judges are the finders of law, while juries are the finders of fact.
- Judicial law clerks influence judicial decision making through legal research and written opinions.

- Analyze the decision-making process of juries.
- Explain the role of judges before and during trials.
- Differentiate between the finder of law role of judges and the finder of fact role of juries in circumstances when the judge does not hold both.
- Describe the roles of court personnel.
- Provide feedback on the performances of peers.

Stage 2: Acceptable Evidence

Transfer Task

Students will organize evidence and create testimony/arguments in a mock trial of a civil and/or criminal case.