

Supreme Court Advancing Legal Education for Students

Teacher Supreme Court Advancing Legal Education for Students (SCALES) Instruction

SCALES Project In-A-Box: A Three-Part Lesson Plan

Grade Level(s): 9, 10, 11, 12

Subject: Social Studies/Civics

Overview: This is a three-part lesson plan for educators about the Tennessee judicial system. For each lesson the materials includes additional online resources, suggested activities and assignments with accompanying handouts.

The purpose of these lessons is to provide high school students a better understanding of the judiciary; such as the factors taken into account in deciding cases; how judges are selected; the different level of courts; and to watch an official proceeding of the Tennessee Supreme Court.

SCALES Project-In-A-Box was created with the hope that teachers and schools would be able to create and participate in a SCALES Project without leaving their classroom. This three-part lesson is flexible and adaptable and can be incorporated into a class curriculum.

Overall Objectives

The objectives of the material are to provide the following:

- Identify the four levels of courts in Tennessee and the role of each branch.
- Explain the difference of each level of the court system in Tennessee.
- Describe the role of the judicial branch.
- Explain the differences between civil and criminal cases.
- Understand how judges procedurally make decisions.
- Explain the appeals process.
- Understand legal terminology.
- Explain due process.
- Gain an insider's perspective on court room procedures.
- Offer opinions about what the verdict might be in the provided cases and explain the reason for this opinion.

Additional Resources Include: These activities are greatly enhanced by having support from local judges and attorneys to discuss the case with your students. They are best prepared to answer questions about the legal process and court system. A combined activity between school and the private sector is good public relations with the community.

If you would like to contact judges or attorneys in your area please go to the following webpages:

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http://www.tba2.org/alt_data/membersearch.php
<http://www.ctas.utk.edu/gml-ctas.nsf/CountySearch?openform>

“Introduction to SCALES”, video, Supreme Court of Tennessee. Video is 6 minutes 52 seconds.

Lesson 1

Introduction to the Court Systems

Lesson One is intended to help students understand how the court system works and how the various courts work together to hear cases in Tennessee.

Resource/Materials Needed: printer, copier, Adobe Acrobat, Windows Media Player or other type of video player.

Activities and Assignments: These activities can be amended to fit individual class needs. **Please review and familiarize yourself with any handouts or videos prior to presenting information to students.**

A. “Introduction to the Tennessee Court System”

Print and distribute the handout to students. *NOTE: This assignment should be given the day before this lesson is conducted or as homework.* Discuss handout using discussion questions.

Discussion Questions

- Discuss the different levels of the judiciary
- Discuss the organization of the Federal Court System.
- In states where judges are elected and reelected by voters and serve short terms, is there a greater emphasis on **judicial accountability** or **judicial independence**? What about states where judges are appointed and have life tenure, as in the federal system? What seems to be the emphasis in Tennessee, based on selection and reselection methods and term lengths for judges?

B. “Chapter V: The Judicial Branch” by Judge John Maddux, Circuit Court Judge.

Print and distribute the handout to students. *NOTE: This assignment should be given the day before this lesson is conducted or as homework.* Discuss article using the following discussion questions.

Discussion Questions

- Discuss the phrase “passive yet powerful”.
- The judicial branch of government serve as a check on the powers of the other two branches of government. However, there are ways that the other branches can “check” the courts, or hold them accountable for their decisions. How can state courts and judges be held accountable for their decisions?

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Checks mentioned by students should include the fact that the legislature controls the courts' **jurisdiction**—the types of cases courts can hear; the legislature determines the courts' **funding**; and the legislature can **amend laws**—rewrite them—if it disagrees with how a court has interpreted them.

- Which branch of government interprets the law?
- Describe the difference between a criminal and civil case?
- Define “jurisdiction”.
- Define “original jurisdiction”.
- Describe the difference between a judgment and a sentence.
- Which court is the one of final resort?
- How long is the term of a supreme court justice?
- What are the qualifications for a supreme court justice?
- Name the courts found on the intermediate appellate court level and the number of judges on each.
- What is the difference between the proceedings in appellate courts and trial courts?
- What is the name of the plan under which supreme court justices are chosen and how does it operate?
- What is the difference between “law” and “equity”?
- Describe the difference between Circuit Court and Chancery Court.
- What is the jurisdiction of a General Session Court?
- What does Probate Court do?
- Who selects the state Attorney General and why is the process unique?
- Describe the duties of the State Attorney General.
- How many District Attorneys General are there in Tennessee?
- Describe the difference between a *grand jury* and a *petit jury*.
- Define “de novo”.
- What is the duty of the District Public Defender?
- What is the Administrative Office of the Courts (AOC) and what does it do?

C. **“Appeals Process in a Nutshell ... almost”** by Judge Frank G. Clement, Court of Appeals of Tennessee

Print and distribute the handout to students. *NOTE: This assignment should be given the day before this lesson is conducted or as homework.* Discuss article using the following discussion questions.

Discussion Questions

- The role of the appellate court in its review of what occurred in the previous court.
- The pro’s and con’s of a summary “statement of the evidence” by the parties and judge.
- What occasional exceptions to the standards of review do you think might occur?
- The differences between constitutional law, state law and case law.
- Generally speaking, higher courts do not have direct oversight over the lower courts in that they cannot reach out on their own at any time to overrule judgments made by lower courts. Normally, the burden rests with litigants to

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appeal rulings to the higher courts. If a judge acts against precedent and the case is not appealed, the decision will stand.

- The Supreme Court affords 30 minutes to the arguing attorney to present their oral arguments to the court.
- A majority of the Court, at least three justices must agree on the opinion. Discuss this and dissenting opinion.

D. **“Faces of Justice”**, video approximately 30 minutes long, by the American Judicature Society.

The DVD/video contains three main substantive sections: (1) the introductory material about the Constitution, individual rights, and courts; (2) the civil case scenario involving Mai's dispute with her landlord; and (3) Roberto's criminal case scenario. At the end of the first two sections, the screen will briefly go black in case the teacher wishes to stop the DVD/video and lead a discussion on the material covered in that section. Of course, the teacher may choose to conduct one discussion at the end and not interrupt the DVD/video. The DVD/video is approximately 30 minutes long. Corresponding handout materials with discussion questions and exercises are provided.

E. **“Student Handouts and Exercises”**

Print off the handouts, removing teacher answer key before handing out to students. The handouts include three activities. Each activity includes student reading material, corresponding questions and teacher answer keys. Topics include Federalism, The Tennessee Supreme Court and Understanding the Role of Precedent.

F. **“Titanic Mock Trial”**

The mock trial exercises for teachers and students deal with the Titanic disaster. These exercises may take a few days to go through and discuss, in addition they may be used as extra credit.

Start with the basic facts that are listed in the handouts and then decide on how to proceed. The handout has information about Hans Jensen, his fiancé Carla Christine Jensen who sues on Hans' behalf, the defendant White Star Lines and the witnesses, the Titanic's Second Officer Lightoller and Swedish military attaché Bjornstrom-Steffansson. A memorandum of law explaining negligence law and White Star's defenses to negligence are on the website along with an exhibit showing where each party was as the ship was being evacuated. A set of links provides more information about Titanic, the U.S. judicial process, and Law Day. At the end of the testimony, the judge has a jury charge to read to the jurors and they have a verdict sheet to fill out and return to the judge. In addition, a glossary of trial related terms is included.

The materials may be downloaded from our site as well as from the original source <http://www.andersonkill.com/titanic/home/htm>.

G. **Additional Activities & Assignments**

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- Ask students to research how different judges are chosen, how long their terms of office are, and how they are reselected when their terms end.
- “High School Curriculum on the Judiciary”, American Judicature Society.
The American Judicature Society is pleased to announce the addition of a new lesson plan to its High School Curriculum on the Judiciary. The new “Judicial Independence” lesson helps students understand the concept of “judicial independence,” why it is important for our courts, and how it can be threatened. Materials include online resources for teachers, lecture notes, discussion questions, and suggested activities and assignments with accompanying handouts and overheads.

If you would like to access the High School Curriculum website please go to <http://www.ajs.org/hsc/>. **You will need to register for free access to the site.**

Also, if you are a high school government teacher and you use the new Judicial Independence lesson in your class, AJS would appreciate you and your students’ feedback on the lesson. Click on the [Evaluate the Lesson Plan](#) link to access evaluation questionnaires for both teachers and students.

If you have any questions about evaluating the Judicial Independence lesson, contact Malia Reddick with the American Judicature Society at mreddick@ajs.org or 515/271-2287.

- “iCivics” link, Filament Games with 38one. <http://www.icivics.org>
Retired U.S. Supreme Court Justice Sandra Day O’Connor and a Wisconsin-based company have created video games that promote knowledge about government. The games include one that involves the operation of a fictional law firm, and another that casts players as attorneys arguing landmark court cases. Others teach about the three branches of government, the legislative process and democracy.

Lesson 2

Candace Mullins v. State of Tennessee

Materials:

- “SCALES Summary”
- “Glossary of Legal Terms”
- ”Court of Appeals Decision”
- “Case Briefs”
- “Video of Hearing”
- “Group Discussion Topics & Sample Questions”
- “Supreme Court Opinion”
- “Evaluation”

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Resources and Materials Needed: printer, copier, Adobe Acrobat, Windows Media Player or other type of video player.

Activities and Assignments: These activities can be amended to fit individual class needs. As an introduction to this lesson plan print and distribute the handouts to students. Feel free to make as many copies as needed.

Print and distribute the SCALES Summary, the Glossary of Legal Terms and the Group Discussion Topics & Sample Questions (Mullins handout #1). The summary and glossary will give students a brief description and history of the case as well as help students with any legal terminology they are not familiar with.

Review the summary with your students. If additional information is needed please print and review the Court of Appeals Decision and case briefs (Mullins handout #2). These items will give students additional details and prior history of the case.

After reviewing these documents please have students watch the Video of Hearing (oral attorney arguments in front of TN Supreme Court). Have a group discussion using the general discussion questions. After group discussion print and distribute S.Ct. Opinion (Mullins handout #3). Reward students that guessed the correct outcome.

After lesson is complete please fill out the teacher evaluation.

Lesson 3

State of Tennessee v. Curtis Lee Majors

Materials

“Court of Appeals Decision”

“SCALES Summary”

“Glossary of Legal Terms”

“Video of hearing”

“Group Discussion Topics & Sample Questions”

“Supreme Court Opinion”

“Evaluation”

Resources and Materials Needed: printer, copier, Adobe Acrobat, Windows Media Player or other type of video player.

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