

UTAH STATE BAR COMMITTEE ON CIVICS EDUCATION  
LESSON PLAN FOR VISITING ATTORNEYS AND JUDGES

*CONSTITUTION DAY CELEBRATIONS: A  
LESSON ON JUDICIAL INDEPENDENCE*

*A LESSON PLAN FOR ELEMENTARY SCHOOL VISITS*

Committee Mission

The objective of the Utah Bar Association High School Education Program is to teach Utah's high school students the significance of the Constitutional concepts of separation of powers and an independent judiciary. *Because many elementary school teachers and parents expressed an interest in this outreach opportunity, the high school lesson plan is being adapted to model the values and develop the awareness of younger students about our government and the judiciary.*

General Description

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

Materials Needed

- Copy of classroom materials (usually 40 copies)
- Sets of envelopes with 20 paper clips in each envelope (usually 6 envelopes will suffice for small group work)

Timing of Lesson

45 minutes to 1 hour, including time for questions and answers with guest speaker

Lesson Plan Objectives

- To support public education by supplementing elementary school students' classroom learning about civics, specifically learning about the judiciary and the rule of law, with interactive program focusing on critical thinking, creative thinking and dialogue.
- To instill a sense of civic responsibility and participation, and appreciation for the rule of law in young students
- 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 better inform students how judges make decisions, and who the other players are within the court system and explain their roles.
- To discuss how judges are selected and retained in the federal system and in Utah, and how this related to judicial independence and public accountability.

Key Vocabulary (may want to write on the board for all to see and to discuss directly)

Three branches – Executive, Legislative, Judicial

Judicial independence

Separation of powers

Checks and balances

Rule of law

Attorney/lawyer/counselor/advocate

Bar association

Prosecution or plaintiff

Defense

District, Appeals, Supreme Court(s)

Opening the Lesson – Adding Value by being in the Classroom (5-10 minutes)

You are bringing a special opportunity to the classroom for these elementary 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 introduce yourself to the class and tell them 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, who your favorite legal character in a story is.)

***This introduction can be very valuable to our youngest audiences. This is a chance to dispel myths that lawyers are just like what students see on TV, or to give a young person their first glimpse of a profession that they may have only heard about. It is also a chance to let curious minds journey through their questions and talk to a “real life” lawyer or judge. So please be open to questions, even tangents and off-the-path discussion, such that you introduce yourself, your career, and the law on a basic level to a classroom of elementary listeners.***

Student Activity

See activity/dialogue materials included herein

Question and Answer Session

Toward the end of your time in the classroom, ensure that you leave time for students to ask you questions about the lesson or other topics that they are curious about. You can direct them to the follow-up resources for additional information.

### Follow-Up Resources

- Utah State Courts [www.utcourts.gov](http://www.utcourts.gov)
- American Bar Association [www.abanet.org](http://www.abanet.org)
- Utah Law Related Education [www.lawrelatededucation.org](http://www.lawrelatededucation.org)
- Utah Commission on Civic & Character Education [www.civics.utah.gov](http://www.civics.utah.gov)

### STUDENT ACTIVITY – OPENING WITH A CREATIVE THINKING GAME - THE PAPER CLIP GAME (10 minutes)

Introduce the game, play the game, and debrief with short series of questions to segue to lesson on the judiciary and the rule of law.

Once you conclude your introduction of yourself, break the students into small groups (generally there will be about 4-6 groups per classroom/groups of 5-6 students in each group). Spread the groups about the classroom for seating (all around the floor or with different tables/desks).

Give each group an envelope containing 20 paper clips. Tell each group that today they will begin their lesson with you by playing the paper clip game. Tell them that they have 5 minutes and that they can begin once you finish giving the directions. Then, casually tell each group that they should be creative/fun/silly/serious/hard working/whatever they can imagine and play the game together at all times.

The object of the game is to decide as a group to do whatever they can with the clips. Some groups will understand these directions and some will not. Some will ask questions and some will only look confused. Some will begin to do something, like make a chain of the clips or unfold them to make a circle, and some groups may only look at the clips or even argue over what to do next. Whatever the reactions are in the room, provided that students aren't too raucous or angry with one another, is wonderful and useful. This "game" should begin to open a conversation about the value of rules in our society.

So once the students seem adequately confused or begin to do some kind of activity with their sets of clips, watch and observe so that you can ask good questions. Give them a few minutes to "play the game" and then interrupt with a question – What's going on? What's wrong, some of you aren't playing? Why are you all having trouble deciding how to the play the paper clip game?

## PAPER CLIP GAME CONTINUED –

Then, collect the group's answers – we are playing, we don't know how to play, you didn't tell us what to do, we cannot agree as a group what to do, we have too many ideas and don't know where to begin...

You can discuss the answers and even write them on the board for all to see in short, easy to read phrases.

Continue the collection of the answers as long as the contributions are creative and useful (perhaps allow for one reply per small group). Next, ask the class what could have happened if you had given more or clearer instructions. Or what if you had told them that they had to make something with the clips or that they could not unbend the clips. Would the directions or rules have been helpful? Why? What do rules give us?

Help the class dissect the idea that rules are all around us – every day we encounter THE LAW. We have rules in our homes, on the road, at school, even while playing games. And these rules help us live, help us be safe, and let us know what is expected in our neighborhoods and our nation. Explain that this is why lawyers and judges are important in our community, and why it is necessary that good citizens understand how our legal system works. Explain that good citizenship is not only following our laws, but also knowing what the law can do to help everyone as well.

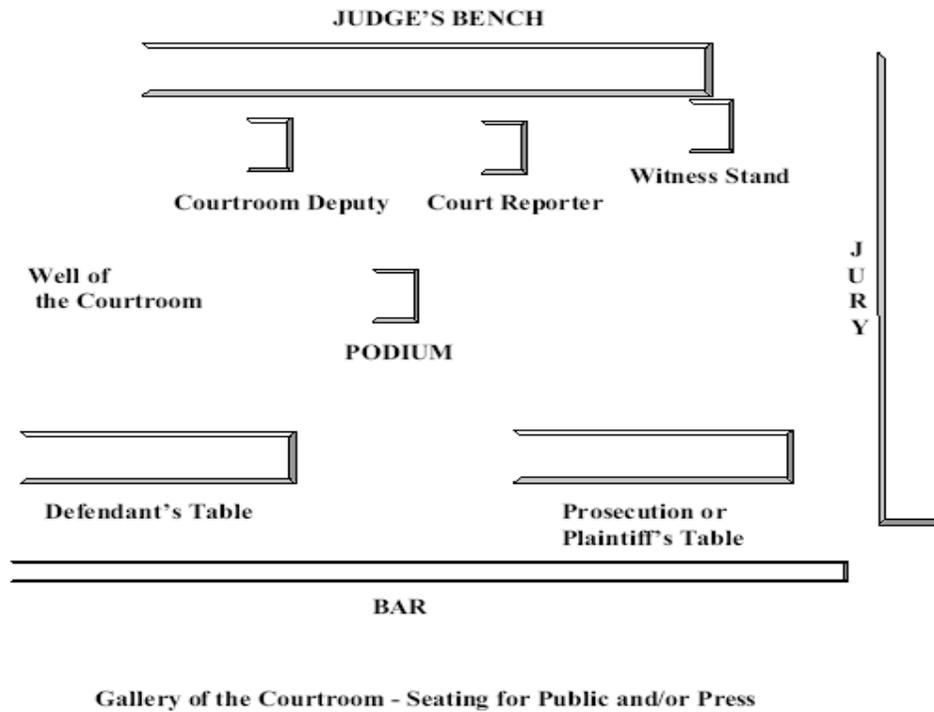
Transition your discussion then and the classroom seating. Help the students organize themselves and their classroom into a courtroom. (Check with the teacher about what furniture is mobile. If the desks/tables must stay the same or such movement is cumbersome, then simply organize the students on an open space on the floor into the various parts of a basic courtroom.)

**PART TWO OF STUDENT ACTIVITY – THE PARTS AND ROLES OF THE COURTROOM (15 minutes including room setup and student movement)**

Students often assume, especially younger students, that they know what things are. After all, they want to think of themselves as just a shorter adult. The second part of the activity with the class is to define what the parts of a courtroom are, what the names of the courtroom players are, and how the system is designed to work.

Diagram for classroom set-up

## COURTROOM LAYOUT



## PART TWO OF ACTIVITY – THE COURTROOM – CONTINUED

Use the key vocabulary words included in this lesson to guide your formation and discussion of the parts of a courtroom and the goals for each courtroom role. Discuss for the class the value of seeing two sides in each argument and the balance of the courtroom halves between the person suing and the person being sued or the community enforcing a rule and the person accused of breaking it.

### PART THREE – COURTROOM ARGUMENT (10-15 minutes)

The students will use their mock courtroom to decide a verdict in a trial of Cinderella.

*Let the classroom teacher know that if he/she is interested in a more extensive mock trial experience, that scripted mock trials for elementary students are available and can be electronically provided to the teacher by the Bar Committee.*

In a simple way, a mock trial is just a mechanism for two sides to state their case or issues in a problem. So you can present the problem that Cinderella experiences much hardship in her home, with her two stepsisters who force her to do chores all day, every day. The prince in the kingdom has heard of the young woman's bad treatment at the hand of her family and the kingdom has charged Cinderella's two stepsisters with the crime of cruelty. This crime of cruelty is a crime punishable by many years in the palace prison (or even being forced to serve the person that you treated badly) and is a serious crime, so the community is interested in a fair trial for everyone concerned.

*This mock trial is intended to give a brief and positive experience of argument. It is not supposed to be too serious or too complicated, so that all students believe that they can participate, laugh, and learn.*

## **The Case of Cinderella and her Stepsisters**

### **Crime Charged:**

Kingdom charges Cinderella's stepsisters with cruelty and meanness

Cruelty: Treating a person in such a way that they feel pain or suffering.

Meanness: Causing a person to feel that they are less than you; selfishness.

Sentence: Having to be a servant to the person who forced you to do service for them, and/or time in the palace prison for up to 2 years.

Choose student roles – pick students to be the kingdom attorneys and the defense attorneys, to the witnesses (Cinderella, the Prince, the Two Stepsisters, a Butcher who Cinderella has to visit weekly for the family and whom she has complained to).

*This mock trial argument can be made more complex and even more serious depending on the age and sophistication of the class you are working with. The mock argument as a free-form, creative experience is best suited for a second or third grade group, with increasing role definition and enhanced question design for a fifth grade audience.*

Then, with your good coaching and all in the spirit of good fun and interactive learning, allow witnesses to be called and the students to question each witness with one or two questions. Help the students decide what to ask and how to phrase things (We call...to the witness stand, the witness is dismissed, how did you feel about the treatment/why did you ask for Cinderella's help in your home.....)

*You can coach about the kinds of questions each witness would be asked and why an attorney would choose different kinds of witnesses for different testimony. You can coach about how to ask good, effective questions, open ended or closed questions, questions about direct observation or conversation, questions about expertise and character. This again depends on the age and sophistication of your audience.*

Ask the class to close their eyes and to vote as a “jury” once the argument and witness “questioning” is complete. Ask the students who believe the stepsisters were cruel to Cinderella to raise/lower their hands, tally the vote. Then, still with students’ eyes closed, ask for those who believe that the stepsisters meant well and were not mean to raise/lower their hands, tally the vote. Present the “verdict” to the class. Ask them to interpret the verdict. Was it fair? Was it the “right” decision/How can you be sure? What would/would not be different in a real case?

#### CONCLUSION OF LESSON / ACTIVITY

Question and Answer session (with remaining time – about 5-10 minutes):

Allow the students to discuss the lesson or their own topics for a few moments to conclude the lesson.