

TEACHING TOOLS: NYS UNIFIED COURT SYSTEM HIGH SCHOOL LEVEL

Justice and the Jury Experience*

LEARNING CONTEXT

Purpose:

Students will learn about and appreciate the history of the jury system, understand the role that the jury plays in the American system of justice, and appreciate the importance of citizen service on juries.

Grade Level:

Grades 9, 10, 11 and 12

Learning Standard:

Social Studies Standards 1, 2 and 5

Core Curriculum (excerpts from the Social Studies Resource Guide with Core Curriculum):

Students will investigate how citizenship is defined and how different societies view the rights and responsibilities of citizenship. They will also learn how concepts of justice and human values differ across time and space and how decisions may be made under different political systems (Methodology of Global History and Geography). Additionally, students will monitor the application of basic constitutional principles. Students should understand those basic principles and the cultural heritage that support our democracy so that they can become informed, committed participants in our democracy. Students will recognize how individuals and groups throughout history have challenged and influenced public policy and constitutional change (United States History and Government). Through participatory activities, students will learn to define, analyze, monitor and discuss issues and policies (Grade 12 Social Studies: Participation in Government).

Concepts/Themes:

- Understanding how the courts insure justice, fairness, and due process for all people who seek to utilize or otherwise become involved in the court system.
- Analyzing the sources of the nation's values as embodied in federal and state constitutions, statutes and case law; appreciating the principles, ideals and core values of our democracy (human dignity, liberty, justice, and equality).

*Developed with the assistance of Kevin O'Hagan, Garden City High School, Garden City Union Free School District; Jack Hurley, Coordinator of Law Magnet Programs, Rochester City Schools

Prior Knowledge:

Students should be familiar with the basic purpose of our justice system, the role of the courts in that system, and the purpose of a trial. Students should understand civic values, such as justice, due process, equality, fairness, and majority rule with respect for minority rights, as expressed in the constitutions and laws of the United States.

Students should be at a stage where they are able to develop problem-identification and problem-solving skills. They should be able to gather, process, and present information in verbal and written forms.

PROCEDURE

The teacher should adjust the topics to specifically address the Core Curriculum requirements of their course or grade level. The teacher should expect to spend an hour of preparation to adjust the curriculum and to ensure that sufficient resources are available to the students within the school, on the Internet, and through community resources, such as the local library.

Special Message to Teachers

The activities within each Teaching Tool are designed to build on each other to, first, develop students' knowledge of basic law-related concepts; then, show students how the concepts are utilized or implemented in the court system; and, finally, demonstrate how students should apply the concepts in their everyday lives. However, the various activities that comprise each tool may also be used as stand-alone exercises. For example, you may choose to incorporate only Day 1 or Day 3 into your course work. Or, you may choose to use Day 1 in connection with one unit and then use Day 2 in a later unit.

There is more than one way to utilize the Teaching Tools – the proper use is the use that is beneficial to your classroom.

Day 1 -- History of the Jury System

Students will view a portion of the New York State Unified Court System's video, "Your Turn," in which the concept of trial-by-ordeal is discussed. After this viewing, the teacher should foster a classroom discussion regarding the jury system and ways to insure that justice is accomplished through use of the jury system. For example, students should understand that the jury system is intended to provide a fair opportunity to defendants and that all citizens are entitled to be considered for service on a jury. A brainstorming activity may be used to allow students to list the "pros" and "cons" of the jury system utilized in the United States.

If the teacher wishes to have the student research the history of the jury system in greater detail, an exercise is provided in the Appendix to foster the creation of a Jury System Handbook.

Day 2 – Can the Jury System Be Improved?

The teacher should build on the Day 1 discussion and foster a discussion regarding how a jury functions, where in the system there is the potential for a breakdown, and how the law addresses those concerns. Some of the topics may include the following:

- laws against jury tampering, bribing, or influencing jurors in some way;
- laws to insure that jury selection is conducted in a non-discriminatory manner;
- laws against perjury that try to guarantee that the jury hears the truth;
- evidentiary rules that prevent the admission of material that is "more prejudicial than probative" and may simply inflame the jury;
- the judge's ability to "overrule" the jury when the evidence does not support the verdict or to issue a directed verdict when there is no issue of fact for the jury to consider;
- the concept of jury nullification, when the jury does not follow the law in making its determination, and the importance of Pattern Jury Instructions;
- mistrials and hung juries.

The teacher may wish to have the students break into groups to research these topics. For example, using key word searches in a legal database, the students should be able to find New York statutes or Jury Instructions that address each of these topics.

In the alternative, the teacher may wish to use a recent case of local or national prominence to discuss some of these concepts as a class. For example, the OJ Simpson case could have been used to highlight the dynamics of the jury selection process or the use of evidentiary rules.

Day 3 – Mock Jury Deliberations

The teacher should divide the class into groups of at least six students. The groups will spend the class deliberating and trying to reach a unanimous “verdict” regarding various factual scenarios. The teacher should circulate among the groups and foster discussion regarding various aspects of the factual scenarios, which can either be drawn from recent news events or selected from the examples listed below:

- (1) criminal: John is accused of throwing a rock through his neighbors', the Smiths, living room window one night. Mrs. Smith claims that she looked out the window when the rock was thrown and saw John hiding behind a tree in the Smith's front yard. A street light provided adequate lighting for her to see John, and she was wearing her glasses. Mrs. Smith admits that she has never liked having John as a neighbor. It cost the Smiths \$300 to replace the window. John claims that at the time the rock was thrown, he was at his friend Joe's house for dinner. Joe confirms that alibi. John also claims that Mrs. Smith rarely comes out of her house and doesn't even know who John is. The punishment for the vandalism is a fine. Is John guilty? If the judge asked you, how much should he pay?
- (2) civil: John's dog bit Joe's finger, and Joe had to go to the emergency room, incurring a bill of \$300. Joe sues John for \$3,000 to cover his “pain and suffering” and the emergency room bill. John claims that his dog has never bitten anyone before. John thinks that Joe was teasing the dog, and John doesn't think he should pay a dime. Should John pay anything? How much?
- (3) criminal: Sue is accused of shoplifting. The store security officer saw her try on several scarves and then try to leave the store with one wrapped around her neck. When the officer attempted to stop her, she walked quickly out of the store, wearing the scarf that was priced at \$100. Sue says that she usually wears scarves, forgot to put one on that morning, and decided to stop at a store to buy one. She tried several on at the same time and did not like any of them. She claims she did not notice that she had left one of the scarves around her neck, and she hurried out of the store because she was late for work. When the security guard stopped her, she tried to explain, but he would not listen to her. The punishment for the shoplifting charge is a fine. Is Sue guilty? If the judge asked you, how much should she pay?
- (4) civil: Sue agreed to shovel two of her neighbors' driveways for the winter. She charged \$200 for the season and was entitled to keep the money no matter how much snow fell. It never snowed during the winter, so Sue gave \$50 back to one of the neighbors. The other neighbor found out that Sue returned money, and is suing Sue to make her pay back the \$200. Should Sue pay anything back? How much?

The teacher can foster discussion by asking individual members of each group which “side” they believe and why they feel that way and then asking whether any other members of the group disagree and why. The teacher may want to ask the students whether they or family or friends have ever been in similar situations and what happened. The students should be aware of how their personal experiences affect how they feel about the case. For example, a student whose family owns a store may have strong feelings about the shoplifting scenario. The students should also be aware of whether and how they have to compromise in order to reach a unanimous verdict.

Days 4 & 5 – “Twelve Angry Men”

The teacher may wish to show this film now that students understand the significance and intricacies of jury deliberation.

Students may be provided with the Discussion Chart (annexed) to fill out during the film and then discuss later, or the teacher may wish to have the class fill it out the chart together as part of a post-film discussion.

INSTRUCTIONAL/EDUCATIONAL MODIFICATIONS

Topics should be assigned and groups divided with student needs and abilities in mind. The teacher should monitor group dynamics and provide assistance to individuals where appropriate, particularly with respect to the handbook activity.

ASSESSMENT PLAN

Students will be evaluated by direct observation and formal and informal discussions of their work as a group. The group research and discussion activities will have to be closely monitored by the teacher. The worksheets provided may serve as a basis of objective evaluation with respect to historical information.

With respect to the handbook activity in the Appendix, the checklist (attached) should be provided to each team and reviewed at a formal conference. Upon completion of the chapter, each group will submit their work to be scored according to the checklist.

RESOURCES

1. A copy of Juror’s Handbook for each student. These can be obtained from the County Commissioner of Jurors office
2. Unified Court System’s videotape regarding jury service, “Your Turn” – this resource can be obtained from your school superintendent
3. Videotape of “Twelve Angry Men” from a local library or video store
4. Internet access/access to legal databases for research projects

Name: _____

Date: _____

JURY SERVICE QUIZ

TRUE OR FALSE

1. _____ A jury may decide who wins or loses in a court of law.
2. _____ You may volunteer for jury service if you are qualified.
3. _____ A “hung” jury results when the jury cannot reach a verdict.
4. _____ If you work full time, you may ignore a jury summons.
5. _____ Juries are only used in the New York State Supreme Court.
6. _____ Juries in criminal and civil trials must reach a unanimous verdict.
7. _____ Only middle or upper class people can afford to serve on juries.
8. _____ A juror must be a U.S. citizen.
9. _____ Once you serve as a juror, you will be called for jury service once a month.
10. _____ You must be 18 years old to serve on a jury.
11. _____ If you do not understand English, you may not serve on a jury.
12. _____ A person convicted of a felony may not serve on a jury.
13. _____ If you are unemployed, you may be compensated for jury service.
14. _____ If you are called for jury service, your employer may demote you.
15. _____ Juries may be sequestered and not permitted to return home until deliberation is complete.

Name: _____ Date: _____

YOUR TURN:
LEARNING ABOUT JURY SERVICE IN NEW YORK STATE

I. History of the Jury System

A. Matching

- | | |
|-----------------------|--|
| _____ Ancient Greece | a. guilt or innocence was determined by “trial by ordeal” |
| _____ Roman Empire | b. the first known juries developed |
| _____ Medieval Europe | c. neighbors of an accused person acted as witnesses <u>and</u> jurors |
| _____ England | d. laws and judges were substituted for juries |

B. Early America

1. Why was the trial of Peter Zenger important in the history of the jury system?
2. Which amendments to the U.S. Constitution are important in providing the right to trials by jury?

II. The Jury System in New York State

1. In a criminal trial, who are the opponents and what is the issue?

In a civil trial?

2. Matching courtroom people and responsibilities

- | | |
|----------------------------|---|
| _____ judge | a. represents the person accused of wrongdoing |
| _____ court reporter | b. swears in the jury and witnesses |
| _____ court officers | c. maintain order in the court |
| _____ clerk | d. conducts the trial in accordance with the law |
| _____ prosecuting attorney | e. produces a certified record of the trial |
| _____ defense attorney | f. represents the State of New York in bringing the case against the accused person |

3. *Voir Dire*

a. Briefly describe what happens during the *voir dire*.

b. What is the purpose of the *voir dire*?

WORKSHEET:
UNDERSTANDING AND ANALYZING “TWELVE ANGRY MEN”

1. What is the role of a jury in a criminal trial?

2. What right does a criminal have with regard to who determines his/her legal guilt or innocence?

3. In New York State, how many people serve on a jury in a felony criminal trial?

4. How many jurors must agree in order to reach a verdict?

5. What happens if the jury does not reach a verdict?

6. What must the prosecution prove in order to get a guilty verdict?

7. What is “reasonable doubt?”

8. What crime is the defendant charged with?

9. What is the punishment for this crime?

10. Why did juror #7 vote “not guilty?”

**EVIDENCE ANALYSIS CHART:
TWELVE ANGRY MEN**

Arguments in favor of
"Guilty"

Arguments in favor of
"Not Guilty"

MOTIVE

KNIFE

WITNESS:
WOMAN
ACROSS
STREET

WITNESS:
MAN WHO
LIVED ON
SECOND FLOOR

Arguments in favor of
"Guilty"

Arguments in favor of
"Not Guilty"

ALIBI

STAB
WOUND

TESTIMONY OF
PSYCHIATRIST

APPENDIX

“HISTORY OF THE JURY SYSTEM” HANDBOOK

Students should be separated into groups and assigned a specific topic to research related to the history of the jury system. The topics may include, but are not limited to, the following:

1. early jury-type systems (the Greek *decury* or Roman *judex*);
2. alternate trial systems in early cultures (ordeal/battle in Europe, Tasmania, Central Asia, etc.);
3. Scandinavian roots of the jury “*Things*”;
4. Ninth and Tenth century England of Alfred I (pre-Norman);
5. Norman Conquest and widespread use of jury system under Henry II;
6. trial of William Penn and establishment of jury/judicial independence from the King;
7. trial of John Peter Zenger; and
8. development and use of the grand jury system.

Over the course of the next week, each group of students should meet outside of class time to prepare a written presentation of their topic as if it were a chapter in a handbook. Based on group size, students can be assigned as drafters or as editors of the chapters or as liaisons for the compilation of the handbook. Students should be encouraged to include a strong introduction and conclusion, as well as be aware of the components listed in the evaluation check list (attached). The teacher may wish to hold a formal conference with the student groups at least once during the creation of the chapters, using a checklist (see sample checklist, attached) to measure progress.

When compiled, the handbook may be used in conjunction with the Captain Quog mock trial exercise. High school students may use the handbook to help prepare younger students as prospective jurors for the mock trial.

**Scoring Checklist for Student Chapters in the
“History of the Jury System” Handbook**

- | | |
|--------|--|
| 9 - 10 | Strong introduction/conclusion
Pertinent, well-placed references from outside sources
Excellent use of visual and graphic aids
Well structured, well written, proper spelling, grammar, mechanics |
| 7 - 8 | Clear introduction/conclusion
Solid use of references from outside sources
Good use of visuals and graphics
Clearly written, some minor errors |
| 5 - 6 | Introduction/conclusion weak, but address the topic
Modest use of references
Fair use of visuals
Weak organization, some errors that detract from writing |
| 3 - 4 | Introduction/conclusion unfocused and confusing
Poor use of references, incorrect at times
Poor use of visuals and graphics
Poor organization, many errors in standard English |
| 1 - 2 | Introduction/conclusion misleading, distracting
References misplaced, little or no connection to subject
Visuals unrelated to topic, offer no assistance in understanding topic
Disorganized, numerous glaring errors in standard English |
| 0 | No introduction/conclusion
No references to outside sources made
No use of visuals or graphics
Lacks any organization, completely disjointed |