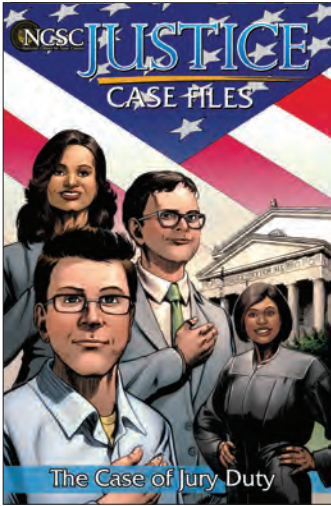


# LESSON PLAN FOR EDUCATORS



## The Case of Jury Duty

This novel reinforces concepts in your Social Studies and Government classes.

### KEY CONCEPTS

- Role of Courts and Judicial Employees
- Jury Service/Process
- Civil vs. Criminal Cases
- Voir Dire
- Underage Drinking / DUI
- Evolution / Importance of Jury Trial

## OHIO'S LEARNING STANDARDS

### Grade 8

**Theme:** U.S. Studies from 1492 to 1877: Exploration through Reconstruction

**Content Statement 21:** The U.S. Constitution protects citizens' rights by limiting the powers of government.

### High School American Government

**Theme:** How the American people govern themselves at national, state, and local levels of government. Students can impact issues addressed by local governments through service learning and senior projects.

**Content Statement 5:** As the supreme law of the land, the U.S. Constitution incorporates basic principles that help define the government of the United States as a federal republic, including its structure, powers, and relationship with the governed.

**Theme:** How the American people govern themselves at national, state, and local levels of government. Students can impact issues addressed by local governments through service learning and senior projects.

**Content Statement 16:** In the United States, people have rights that protect them from undue governmental interference. Rights carry responsibilities that help define how people use their rights and that require respect for the rights of others.

## PRIMARY SOURCES

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- **Northwest Ordinance:** Section 14, Article II
- **The U.S. Constitution:** Article III, Fifth, Sixth and Seventh Amendments
- **The Ohio Constitution:** Article 1, Section 5
- **The OVI Interdiction Handbook:** Page 18

## SUGGESTED INTRODUCTORY ACTIVITIES

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### Class Discussions

Discussion	Questions	Learning Outcome
1) Conduct a discussion on underage drinking. Ask the students if they are aware of students who drink, without naming names, and what opinions they hold regarding underage drinking.	<ul style="list-style-type: none"><li>➤ Is their knowledge about those who drink first-hand information, hearsay, or rumor?</li><li>➤ Why it is important to know the difference? Guide the discussion toward the law and ask why there are laws regarding the drinking age.</li></ul>	Students will understand how they obtain information and understand there are laws regarding the drinking age.
2) Conduct a discussion on a topic on which the students will disagree, and ask students how they support their opinions.	<ul style="list-style-type: none"><li>➤ Are their arguments based on facts and what are their sources of information?</li><li>➤ Are they open to another point of view?</li><li>➤ Can they be objective and look at both sides of the issue?</li></ul>	Students will better understand how they formulate an opinion and their ability to be objective.
3) Go to the Ohio Judicial Conference website <a href="http://www.ohiojudges.org/jury-service-video-brochure">www.ohiojudges.org/jury-service-video-brochure</a> and show the students the Jury Service Video Brochure		Students will better understand the jury selection process as well as the responsibilities of being a juror.

# DBQ (Document-Based Questions)

1) Using **primary sources**, the students will answer the following questions:

- ▶ How does Article III of the U.S. Constitution provide for trial by jury?
- ▶ Which rights are protected by the Fifth, Sixth and Seventh Amendments, and why is each a necessary right?
- ▶ Very little is mentioned in the Northwest Ordinance about trial by jury. Was the mere mention of trial by jury enough to protect that right in the Northwest Territory? Why or why not?

**Learning Outcome:** Students will understand that trial by jury is a right guaranteed by the U.S. Constitution.

2) Using the **Ohio OVI Interdiction Handbook** (see p. 18), the students will answer the following questions:

- ▶ What are the prescribed chemical breath levels for DUI offenders under the age of 21?
- ▶ Are those offenders held to the same level as those 21 and over? If not, why do you think there is a different standard?

## Class Exercises

### Who Am I?

Setting the stage (courtroom) prior to reading the graphic novel.

For students to better understand the responsibilities of the people involved in the trial process, put the court personnel positions listed below on small slips of paper.

Court Personnel Positions		
▶ Bailiff	▶ Defendant	▶ Witness
▶ Court Reporter	▶ Defense Attorney	▶ Plaintiff
▶ Court Clerk	▶ Prosecutor	▶ Plaintiff's Attorney
▶ Judge	▶ Juror	

Students will select one and prepare a brief report explaining that individual's role in the trial process and why that role is important. Prepare duplicates so all students can select one.

Student will give their reports without mentioning who they are. The other students will identify the person being reported and in which kind of trial this person would appear. Discuss which roles would be included only in a criminal trial, only in a civil trial or in both civil and criminal trials.

## Interactive Reading

Students will read the case file and take notes regarding any questions or comments they may have about the reading. The questions and comments can be used as a springboard to a discussion about the jury process.

Assign students to be characters found in the graphic novel and read the case in class. For the part of the novel that takes place in the courtroom, arrange the classroom like a courtroom. Be sure to include a space for the jury to deliberate.

### Characters (17)

- |                             |                                      |                                      |
|-----------------------------|--------------------------------------|--------------------------------------|
| ➤ Barry                     | ➤ Court Clerk                        | ➤ Ms. Kaye Witherspoon               |
| ➤ Matthew Foley             | ➤ Judge Roberta Merrick              | ➤ Mrs. Landis (juror)                |
| ➤ Charles                   | ➤ Prosecutor Medina                  | ➤ Bill (juror in suit)               |
| ➤ Father                    | ➤ Mr. Fargo<br>(defense attorney)    | ➤ Juror in Beige Shirt               |
| ➤ Mother                    | ➤ Raymond Ardner<br>(police officer) | ➤ Juror in Bow Tie<br>and Green Vest |
| ➤ Mr. Pell (civics teacher) | ➤ Clinton Harris                     | ➤ Juror in Pink Suit                 |
| ➤ Devon Washington          |                                      |                                      |

After reading the novel as a class, engage in these student learning activities:

#### 1) Reading the Verdict

As evenly as possible, divide the class into groups of six. Each group is a jury, and jury members are to deliberate and come to a verdict in the case. They are to select a foreperson who will deliver the verdict. After all verdicts are read, ask students what evidence they used to come to their conclusions.

#### 2) Order in the Court

Put each of the statements in the box to the right on separate sheets of paper or dictate them in random order to the students. If sheets of paper are used, pass them out to nine students and have them come to the front of the room and place them in the correct order according to courtroom procedure. If dictated to students, have the students write them in the correct order according to courtroom procedure.

- |                             |                                 |
|-----------------------------|---------------------------------|
| ➤ Receive Summons           | ➤ Report for Jury Duty          |
| ➤ Defense Presents its Case | ➤ Voir Dire                     |
| ➤ Closing Arguments         | ➤ Opening Statements            |
| ➤ Jury Deliberations        | ➤ Prosecution Presents its Case |
| ➤ Verdict is Read           |                                 |

## SUGGESTED DISCUSSION QUESTIONS

(Not all questions may be appropriate for all grade levels or courses of study)

- Why was Matt frustrated when he received the summons for jury duty? Do you believe his response is the typical reaction of others who are called to jury duty?
- What legitimate concerns might people have when they receive a summons to serve on a jury?
- How would you define a “jury of one’s peers?”
- As a warm up to introducing voir dire, ask the students the following question: If you were accused of a crime, who would you want to be on the jury?
- In an unrelated case, Matt’s mother was called to jury duty. Why was she not chosen as a juror?
- Why would someone not want to be on a jury? Which reasons for avoiding jury service do you think are valid, if any?
- Define voir dire and explain why it is an important part of the trial process. Is it necessary for a fair trial?
- Using the Witherspoon case as an example, list five questions you might ask prospective jurors if you are the defense attorney. The prosecuting attorney? Explain.
- During the jury selection for the Witherspoon case, why did the prosecutor, Ms. Medina, ask Matt if he had been drinking at a party he attended?
- During jury selection, what question did the defense attorney, Mr. Fargo, ask Matt? Why do you believe he asked that question?
- What is the purpose of opening statements by the prosecution and the defense attorneys?
- Was Ms. Witherspoon required to testify at her trial? Explain. Which constitutional amendments address this question? If it were you, what would you have done?
- Who did the prosecution call as its witness and why? What evidence of a crime did the witness present?
- In defending Ms. Witherspoon, what arguments did the defense attorney put forth? Who did the defense call as a witness and why?
- What is the purpose of closing arguments by the prosecution and the defense?
- Why are jurors instructed not to do their own investigation of a case, visit the crime scene, use the Internet, and in some cases, read a newspaper or watch news programs?
- Do you believe Ms. Witherspoon received a fair trial? Explain your answer. In your opinion, is there anything else that could have been done to make it more fair?

## SUGGESTED DISCUSSION QUESTIONS

(Not all questions may be appropriate for all grade levels or courses of study)

- ▶ In 2013, Gov. Jerry Brown vetoed a bill that would have made California the first state to allow immigrants who are not citizens to serve on juries. Governor Brown stated that the responsibility of jury service should come only with citizenship. Do you agree or disagree? Why?
- ▶ If a legal immigrant is the defendant in a lawsuit, would an all-citizen jury be a jury of his or her peers?
- ▶ Explain the difference between a civil case and a criminal case.
- ▶ Explain the difference between a misdemeanor and a felony.
- ▶ Who bears the burden of proof in a criminal trial? In a civil trial? What is the burden of proof in each?
- ▶ What is the difference between “beyond reasonable doubt” and a “preponderance of the evidence”?
- ▶ Was the Witherspoon case a criminal case or a civil case? Explain your answer.
- ▶ Misdemeanor cases in Ohio only require an eight-person jury plus one alternate. Is that different from the number required for a felony case? If so, why do you think the number of jurors is different?

## EXTENDED LEARNING ACTIVITIES

### Conduct a Mock Criminal Trial in the Classroom

When assigning roles to play, be sure to select the jury first. Or, select the attorneys and have them go through the voir dire process. It is important that the students understand that the outcome of the trial rests with the jury — not the judge or the attorneys.

The jury decides the facts of the case. It should be pointed out that the judge is in charge of sentencing if the jury finds the plaintiff guilty.

The **Ohio Center for Law-Related Education** ([www.ocltre.org](http://www.ocltre.org)) offers mock trials based on popular pieces of literature.

### Visit a Courtroom

Make arrangement with a local or county judge to find a case that is appropriate for your students to attend.

### Invite a Local Attorney or Judge to Class

Ask the attorney or judge to explain the jury process and answer students’ questions. The Supreme Court of Ohio will assist you in locating a local attorney or judge. Please email **The Supreme Court Civic Education Section** at [CivicEd@sc.ohio.gov](mailto:CivicEd@sc.ohio.gov).

## EXTENDED LEARNING ACTIVITIES

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### Related U.S. Supreme Court Cases

- ▶ *Williams v. Florida*, 399 U.S. 78 (1970) — The Supreme Court held that the right to a jury guaranteed by the Constitution did not require a 12-member jury.
- ▶ *Apodaca v. Oregon*, 406 U.S. 404 (1972) and *Johnson v. Louisiana*, 406 U.S. 356 (1972) — The Supreme Court approved non-unanimous jury verdicts in certain cases.
- ▶ *Ballew v. Georgia*, 435 U.S. 223 (1978) — The Supreme Court decided whether a state criminal trial by a jury of only five persons deprived the accused of the right to a trial by jury as protected by the Sixth and Fourteenth Amendments.
- ▶ *Burch v. Louisiana*, 441 U.S. 130 (1979) — The Supreme Court required that a six-member jury for certain criminal offenses must render a unanimous verdict.
- ▶ *Foster v. Chatman*, 195 L.Ed.2d 1, 136 S.Ct. 1737 (2016) — The Supreme Court found that the prosecution’s removal of two black jurors from the jury panel was improperly motivated by race and violated the Constitution.

You can find additional case law by searching the Web for Supreme Court Cases regarding trial by jury. The **Oyez Project** (<https://www.oyez.org>) is a free, excellent resource.

### Go Online

Have students go to The American Trial Jury: Current Issues and Controversies ([www.socialstudies.org/sites/default/files/publications/se/6307/630711.html](http://www.socialstudies.org/sites/default/files/publications/se/6307/630711.html)).

There they can read about current trial by jury issues and controversies and will find a history of the “Citizen Jury.”

## ADDITIONAL RESOURCES

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### National Center for State Courts

[www.ncsc.org/Education-and-Careers/Civics-Education](http://www.ncsc.org/Education-and-Careers/Civics-Education)

### Ohio State Bar Association

For Public – Teachers and Students  
[www.ohioabar.org/ForPublic/TeachersStudents](http://www.ohioabar.org/ForPublic/TeachersStudents)

### Ohio Center for Law-Related Education

[www.ocle.org/teaching\\_toolbox](http://www.ocle.org/teaching_toolbox)

### Supreme Court of Ohio

[www.supremecourt.ohio.gov/VisitorInfo/CivicEd/default.asp](http://www.supremecourt.ohio.gov/VisitorInfo/CivicEd/default.asp)

### Ohio Jury Management Association

[www.ohiojury.org](http://www.ohiojury.org)

# JUSTICE CASE FILES

## A New Civic Education Program

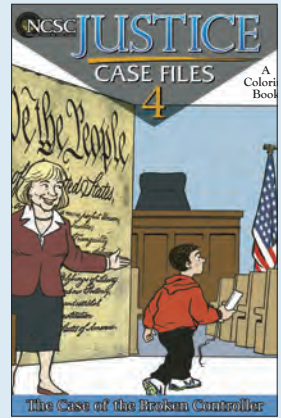
The National Center for State Courts is proud to present **Justice Case Files**, a series of graphic novels designed to engage students while providing insight into how judges make decisions and why courts are so important to a democratic society. Using topics familiar to students, such as cyberbullying, underage drinking, and language barriers, each novel focuses on key concepts related to the courts, including the U.S. Constitution, the difference between civil and criminal cases, and historic documents like the Magna Carta.

Chief Justice Maureen O'Connor of the Supreme Court of Ohio is proud to make these novels available to all Ohio educators who would like to use them in their classrooms. Lesson plans that align with Ohio's curriculum standards are included. The Court will also help match educators with local judges or attorneys who are willing to visit classrooms to discuss the concepts in the graphic novels and to reinforce the importance of the courts, the rule of law, and good citizenship.

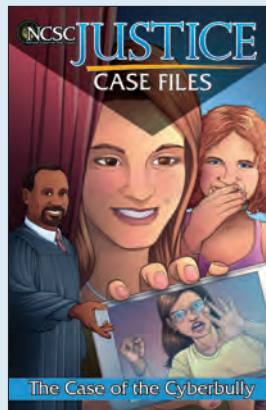
There is **no charge** for any materials used in this or any of the Supreme Court's civic education programs.



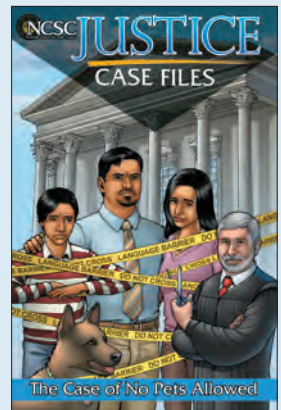
The Case of Jury Duty



The Case of the Broken Controller



The Case of the Cyberbully



The Case of No Pets Allowed

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THE SUPREME COURT of OHIO