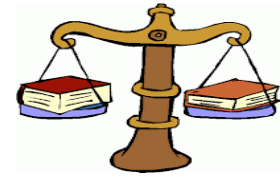


Literacy and the Law

Lesson Title: Lesson 5: Presenting Oral Arguments



Context of the lesson within the project: Students meet in attorney teams, prepare oral arguments and present in the “U.S. Court of Appeal”. (Slide 27-29)

Note: This lesson will take two class sessions to complete

Standards Addressed:

College and Career Readiness Anchor Standards for Speaking and Listening K-12

Comprehension and Collaboration

1. Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others’ ideas and expressing their own clearly and persuasively.
3. Evaluate a speaker’s point of view, reasoning, and use of evidence and rhetoric.

Presentation of Knowledge and Ideas

4. Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.
6. Adapt speech to a variety of contexts and communicative tasks, demonstrating command of formal English when indicated or appropriate.

Visual and Performing Arts Content Standards for California Public Schools

***Note:** Content standards in theatre that call for Creative Expression, and Connections, Relationships and Applications that apply within this unit of study.

2.0 Creative Expression

Development of Theatrical Skills

- 2.1 Demonstrate the emotional traits of a character through gesture and action.

5.0 Connections, Relationships, Applications

Careers and Career-Related Skills

- 5.3 Exhibit team identity and commitment to purpose when participating in theatrical experiences.

2.0 Creative Expression

Creation/Invention in Theatre

- 2.3 Collaborate as an actor, director, scriptwriter, or technical artist in creating formal or informal theatrical performances.

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5.0 Connections, Relationships, Applications

Connections and Applications

5.1 Use theatrical skills to dramatize events and concepts from other curriculum areas, such as reenacting the signing of the Declaration of Independence in history–social science

Essential Questions/Issues:

Why are the constitutional protections to Freedom of Religion essential to our democracy?

How can citizens ensure their religious liberty is protected?

Is argument important, why or why not?

Objective(s):

Students will stay in character as they present oral arguments as attorney teams.

Students will collaborate in refining oral arguments synthesizing from their individual “briefs”.

Students will orally argue and ask questions regarding the analysis of the case, and compare the facts presented to the law.

Goal	To represent your clients successfully in the case, Cheema v. Thompson (Principal of school)
Role	Attorneys from ACLU representing plaintiff, the Cheema’s, or attorney representing the defendants, Livingston School District (<i>Principal Thompson</i>)
Audience	The justices of the US Court of Appeal
Situation	This case has been taken to appeal after a decision by the district court favoring the school district.
Performance	You will submit a written brief to the court and present oral arguments for the case in the U.S. Court of Appeal.
Standards for Success	Your brief and oral arguments will include claims, evidence, counter evidence, and cite the law.

Rubric Checklist

Written Brief Quality Criteria	Absolutely!	Almost!	Not Yet!
Claims Evidence I made a strong claim and supported my reasons			

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very clearly with credible sources (law) and with details.			
Counter claim I recognized the counter claim and gave good arguments against them.			
Transitions I used transition words like <i>for example, another example, for instance, specifically</i> , when giving evidence. I also used <i>in addition to, also, and another</i> when I wanted to make another point			
Oral Argument I emphasized important points and provided valid reasons for my claims and counterclaims. I also did this in a logical sequence, using transitions. I gave a conclusion, summarizing the argument.			

Materials and Resources Needed: Power point, room for students to group as if in courtroom. Handout: Oral Argument Handout

Learning Activity Steps:

Attorney Team Arguments: (40 minutes, 2 sessions)

Hook: It is time to get ready for your Oral Arguments in Court!

Oral Argument Preparation (40 minutes)

Slide 27: This is what a Court of Appeal looks like at the federal level...three Justices listen to the oral arguments, and ask questions of the attorneys about the case as it applies to the law. The appellate court process does not have witnesses, as this has already been addressed at the district level. The justices have reviewed the case and all documents thoroughly already, exactly WHAT the appellate justices are trying to determine is whether or not the decision by the trial court was correct, in favor of the school district, stating that the school's compelling reason (safety of the students) was a stronger need or burden than the Cheema's loss of religious freedom.

Slide 28: This is when the lesson becomes authentic. Assign attorney teams of two students. Half of the teams in the class are attorneys for the plaintiff, and half for the

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defendant.

Each team meets and creates their oral argument in preparation for court (Oral argument handout). They should use their own briefs to refine their oral argument and decide upon at least three arguments they will present from their collective briefs. They will all share a part of their attorney team's verbal presentation in the U.S. Court of Appeal.

Each team must create at least three questions they anticipate might be asked by the justices when they are presenting their side of the case.

Slide 29: Explain to the students that their oral arguments, is not anything new. They are to follow this format Oral Argument format as they address the justices and use the content:

1. Developed on their graphic organizers
2. Written as their individual opinion "brief"
3. Written as a final oral argument as a team of lawyers

Pass out the oral outline format handout which elaborates on the above. Students should practice their oral arguments and decide which part of the team will present each part, showing they are attorneys working together.

What does it mean to stay in character? What type of behavior is called for in a classroom? Do you think that most Judges and Justices act like Judge Judy? Discuss the strength of a good argument and civility.

Remind students that they must create at least three questions they think the Justices might ask them during their oral arguments. Examples to help students consider in case they are called to serve as the justices are provided on Guiding Questions form.

Oral Argument "In Court" (40 minutes)

Teams of attorneys may present their arguments in small groups. Choose three students to be federal Justices and "hear" the case for each group, and have two teams present their arguments. Each team can be filmed using iPhones or iPads. Groups can "switch" roles, and another oral argument can take place, with new "federal judges" ready to ask questions they have created, or that apply to the arguments given.

Suggestion: In addition, choose two teams to present to an actual judge who comes into the courtroom. Many Justices and attorneys in your local court area are very open to coming to your classrooms. Provide them with the Guiding Questions, and the background materials on the case before they come!

A visit to the court is even more exciting! You may choose students to play the role of the three Justices, and choose two teams of attorneys. It would be a great addition to a tour or other outreach opportunities available at your local court.

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Following all of the oral arguments, all students act as Justices of the Appellate Court and take a vote ~ regardless of the argument they were assigned to give earlier. Was the action of the school district constitutional (as decided by the district court)? Was the action of the school district unconstitutional? (Some will have looked up the case online and know the final decision of the appellate court; if this comes up, stress that it is the power of the argument they present for their “clients” that is important...this is one of the reasons why they are to be “assigned” their role by you as attorneys for the defendants or plaintiffs.

Closing Reflection: (5 minutes)

You have just written an argument, presented it orally, and/or served as a justice on the Appellate Court. Has your opinion changed from the argument you wrote? What do you believe the actual findings of the Appellate Court in the case were? Why?