

## **Grades K-3: Due Process Freedoms People Who Make Courts Work**

Time Required: Approximately 30 minutes

### **Overview**

Using a situation where a person is accused of committing a crime, students identify the various types of persons whose jobs in the courtroom ensure due process (fair procedures) in determining the person's guilt or innocence.

### **Objectives**

Students will

- Understand the concept of due process.
- Understand the jobs people do to ensure fair court procedures.

### **Preparation Suggestions**

1. Be sure to talk with the teacher in advance about this activity. Provide the teacher with a copy of the activity.
2. Because the activity is interactive, you will need the assistance of the teacher to make sure the lesson remains focused. Ask the teacher to help you select the students who will be asked to come to the front of the room.
3. The signs should be about 8.5" x 11" in size. Bold, printed signs are best. Consider leaving the signs with the teacher for follow-up reinforcement of vocabulary terms.
4. In using the signs, have the students hold the signs in front of themselves for all to see. As a safety precaution, **do not** use pins or yarn on the signs.

### **Materials/Equipment**

1. One sign each for JUDGE, DEFENSE ATTORNEY, PROSECUTING ATTORNEY, and COURT REPORTER. (provided below for printing)
2. Sufficient number of JURY signs for the remainder of the class. It is always good insurance to have a few extra cards to insure that no student is left out.

### **Presentation**

#### **Introduction**

Begin the class by introducing yourself to the students. As you do so, remember when you were this age and what you might like to know about other people.

Be sure to provide a brief explanation of why you are in the classroom on this particular day. If you have an official Law Day poster, hang it where all can see it. You might consider saying the following, in your own words:

Today, throughout the United States, we are celebrating Law Day. I believe it is very special because I work in the legal field and am very proud of the work I do. But, more importantly, it is special because it allows us to stop and think about our country, the United States of America, and the freedoms we all share. It is also special because this day provides us with an opportunity to talk about the laws that protect us and provide us these very special freedoms.

Build student ownership in the proposed activity by telling the students:

"Last week I overheard a conversation that made me stop and think. I decided it would be a good to share the conversation with you and maybe you could help me answer my questions."

Ask the following questions:

- Would you like to know what I heard? (Encourage positive headshakes.)
- Would you like to help me answer my questions? (Encourage positive headshakes.)

Tell the conversation you overheard:

"Last week I was in the grocery store and I overheard several people talking very excitedly about a student who had been accused of throwing a rock through a school window. They were all saying what kind of punishment they thought the student should receive."

Reinforce the students' attention span by asking them if they know what you were thinking when you heard the conversation. Accept a few responses.

"My first question was, Do these people know for sure the student threw the rock?"

Ask, "Why would I say this?" Accept a few responses. Then remind the students that a person is believed innocent until he or she has been proven guilty. Before you continue, it is very important the students understand the terms innocent and guilty.

Continue the talk by saying, "My second question was, Where will we find out if the student was guilty of throwing the rock?"

Look the students in the eyes and ask, "Do you know where?" Accept a few responses. You might want to write the answers on the board or flip chart. After a few responses, write the word COURT on the board or flipchart. Have the students repeat the word after you.

Explain that a court is a special place where people meet to make decisions about problems. This is a very simple explanation but remember the age group. What you want the students to understand is courts try to find the truth by using processes that assure the accused person has a fair chance to defend him/herself.

Point to the word COURT and explain that courts include many people with very special jobs. These people make certain that we all do things that are fair when the court tries to decide if someone broke the law or not.

### **Activity**

Explain that today the students are going to learn about these people but you will need their help. Ask if they are willing to help you.

1. Select one student to come to the front of the room. Ask the student to hold the JUDGE sign where all can see. Have the students pronounce the word.

a. Ask the following question, "Who do we need to be in charge of making sure that everyone does things the fair way?"

b. Point to the sign and have all of the students say "judge."

Provide a brief, simple explanation of what judges do.

2. Select another student to come forward and hold the sign DEFENSE ATTORNEY where all can see and stand on one side of the judge. Have the students pronounce the words.
  - a. Ask the following question, "Who will help the student tell the story as the student sees it?"
  - b. Point to the sign and have all of the students say "defense attorney."

Provide a brief, simple explanation of what a defense attorney does. (This person needs to know all about the law and the rules of the court and represent the accused student).

3. Select another student to come forward and hold the sign PROSECUTING ATTORNEY where all can see and stand on the other side of the judge. Have the students pronounce the words.
  - a. Ask the following question, "Who do we need to represent the people who think the student is guilty?"
  - b. Point to the sign and have all of the students say the words "prosecuting attorney."

Provide a brief, simple explanation of what a prosecuting attorney does. (This person needs to know all about the law and the rules of the court and present the case against the accused student)

4. Select another student to come forward and hold the sign COURT REPORTER where all can see and stand in front of the judge and attorneys but to one side. Have the students pronounce the words.

- a. Ask the following question, "Who do we need to keep a record of what happens, so that we can check for mistakes and make sure that everything that happens is fair?"
- b. Point to the sign and have all of the students say "court reporter."

Provide a brief, simple explanation of what a court reporter does. (This person takes down all that is said in court.)

5. Explain that the law says that people accused of crimes can choose to have people like them decide if they are guilty or not guilty. These people are called the JURY.

Distribute signs to the rest of the students and let them hold them on their desk tops where all can see.

After you provide brief, simple explanations to the following questions, have the students hold their JURY signs up and repeat the word.

- What does a jury do?
- How does the jury find people guilty or not guilty?

### **Summary and Closure**

Review the jobs by pointing to the appropriate sign.

- JUDGE
- DEFENSE ATTORNEY
- PROSECUTING ATTORNEY
- COURT REPORTER
- JURY

Remind the students that all of the jobs are important if everyone is to be treated fairly. Point out that:

- Both sides have the chance to tell their story.
- The judge does not take sides.
- The jury decides on the basis of what it hears in court.

Close by asking, "Do you think the student is guilty of throwing the rock through the window?" Before the students can answer, smile and remind the students that a person is believed to be innocent until he or she has been proven to be guilty.

Ask a follow-up question, "Where will a person be able to get a fair hearing?" Point to the term COURT on the board or flipchart.

Thank the students for helping to answer your questions.

Judge

Defense  
Attorney

Prosecuting  
Attorney

# Court Reporter

**Jury**