judicial learning center

Educator Center

Lesson Plan

Understanding Trial By Jury

Lesson Plan: 6-8

Overview

The activities in this lesson can be assigned to students individually or in groups. In part 1, students will learn about the American jury through discussion and investigation of the founding documents. In part 2, students will use materials prepared for actual jurors to gain a deeper understanding of the importance of trial by jury.

Corresponding Student Center Pages

The Judge and The Jury

Suggested Time Needed

2-3 class periods

Learning Objectives

After completing this activity, students will:

- Have a deeper understanding of jury duty as a right and responsibility of American citizenship.
- Be able to identify the mention of the jury in the founding documents.
- Use online and print resources to prepare for jury duty as an actual juror would.
- Compare and contrast the different types of jurors and the different types of cases.
- Evaluate how a fair and impartial jury is selected from the pool of potential jurors.

Guiding Questions

- What is a jury?
- Where is it found in the Constitution?
- How is it both a right and a responsibility of American citizenship?
- What is the job of a juror?
- How do criminal and civil trials compare?
- How is a fair and representative jury selected for a trial?
- What rules ensure the jury comes to a fair and correct verdict?

Missouri Grade Level and Course Level Expectations

- 6-8.AH.1.GS.A – Analyze laws, policies and processes to determine how governmental systems affect individuals and groups in society in American History prior to c. 1870.

- 6-8.WH.1.GS.A – Analyze laws, policies, and processes to determine how governmental systems affect individuals and groups in society in world history prior to c. 1450.
- 6-8.AH.3.GS.E – Apply the principles of rule of law, representation, separation of powers, checks and balances, and federalism to explain the purposes and functions of the Constitution.

Materials Needed

- Part 1 = Textbook pages or copies of the U.S. Constitution, including the Bill of Rights
- Part 2 = Trial Jury Handbook .pdf file, Jury Duty Worksheet, Teacher Answer Guide

Procedure

Part 1 - Trial by Jury

1. Ask students to take out a blank sheet of paper and list 5 *rights* guaranteed to U.S. citizens. After a few minutes, ask for volunteers and list examples on the board.

2. Call attention to the right to trial by jury, if it was mentioned. If it was not mentioned, instruct students to look over the Bill of Rights, to see if there are any rights they missed on their list. Direct them to Amendments 6 & 7.

3. Add these to your list on the board -
   a. "the right to trial by an impartial jury (**criminal**),"
   b. "the right of trial by jury (common law=**civil**)."

4. After you've written the rights listed in a & b above, discuss the information in bold below, to help students understand the difference between the terms **"criminal"** and **"civil."**
   a. "the right to trial by an impartial jury (**criminal**)," – **Group of people selected to listen to evidence in a criminal case, and decide guilt or innocence of the accused person. Requires 12-person, unanimous verdict.**
   b. "the right of trial by jury (common law=**civil**)." – **Group of people selected to listen to evidence in a dispute between two parties, i.e., when a person sues another person or company for damages. The jury decides if one party damaged the other, and by how much. Can be from 6-12 people, requires a unanimous verdict.**

5. Explain that they should now list 3 *duties* required of U.S. citizens. After a few minutes, ask for volunteers and list examples on the board.

6. Call attention to jury duty, if it was mentioned. If it was not mentioned, ask students to explain how the government can guarantee everyone's rights, so that all trials have a jury of citizens?

7. Add to your list of duties on the board – "the duty to serve on a jury if called."

8. Instruct students to write one or two sentences on their paper, discussing how the word jury can mean a *right* of citizenship and also a *responsibility* of citizenship, and explaining how the two are related. This could be expanded to an essay assignment at the teacher's preference.

9. Using the text of the U.S. Constitution, discuss the following with students:

a. Having these important, life-changing decisions made by every day, average citizens, rather than by the government alone, was very important to the founding fathers. Ask students why they think this is such an important right.

b. So important, in fact, that it is written into the Constitution itself, and reinforced with the Amendments discussed above.

i. Review the purpose of the U.S. Constitution: Articles I, II, & III established our 3 branches of government.

ii. Look closely at Article III: Article III establishes the Judicial Branch, the courts and judges, jurisdiction of the federal courts, and *guarantees trial by jury for criminal cases*. It also defines treason.

iii. Review the purpose of the Bill of Rights: The purpose of the Bill of Rights is to protect the rights of individuals against the powers of the government, as was discussed earlier. (*Amendments 6 & 7 guarantee the right to trial by jury*).

10. Ask students if they think the founding fathers of our country made up the idea of jury trials on their own. Was it a brand new idea? The answer is no, not at all. They borrowed this idea, which had existed long before colonists came to this continent.

11. Briefly mention the following points, and outline a timeline on the board. At the teacher's discretion, students can be divided into research groups on each, to report back at a later time.

a. The original "people's court" took place in ancient Greece, where you would present your case to a theater filled with 500 adult male citizens.

b. Juries were sometimes used to settle disputes in the Roman Republic.

c. Trial by jury was guaranteed to English citizens by the Magna Carta in 1215, and again by the English Bill of Rights in 1689.

d. The colonists brought the idea of jury trials with them to this continent. Being deprived of trial by jury was one of the complaints against England in the Declaration of Independence. (and one of the reasons for fighting the Revolutionary War!)

e. Founding father Thomas Jefferson said, in 1789, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

12. Concluding discussion: Ask students to vote on the following issue, by a show of hands. If you are being sued for damages, or if you've been accused of a crime, whom would you rather have judging the evidence for truth? Discuss their responses, being sure to include the concept of fairness.

a. A judge only. OR b. A jury of people just like you.

13. Assign the following for homework. Tell students to talk to one adult (such as a teacher, parent, guardian, other relative) and ask the following questions. You can print on a worksheet if you'd like, or just have students write the questions down. Plan to discuss their results in a future class.

- ***Have you ever served jury duty?***
- ***What went through your mind when you received your summons in the mail?***
- ***Were you questioned by the attorneys who were selecting jurors? If so, can you tell me some of the questions you were asked?***
- ***Did you get picked to serve on the jury? If so, what was it like?***
- ***How did this experience affect how you feel about the jury system? Explain.***
- ***Do you think the jury system is important to the judicial process in America? Why or why not?***

14. OPTIONAL EXTENSIONS:

A. Play this 6-minute podcast aloud in class, and ask students to take notes. It could also be assigned as homework for students. This is audio only, there is no video. Court Shorts: Trial by Jury

B. Instruct students to visit and explore the Judicial Learning Center's web page on The Judge and The Jury: http://judiciallearningcenter.org/the-judge-and-the-jury/

C. Assign students to research trials, with or without juries, in other countries today.

Part 2 - Serving Jury Duty

1. Ask students a few questions about the previous lesson, such as "Why is the right to trial by jury so important?" and "How is jury duty both a right and a responsibility of citizenship?" Ask for volunteers to share the responses they gathered on the homework assignment.

2. Ask students to imagine they've been called to jury duty. Explain that a jury summons will direct citizens called to jury duty to visit the court's website. There, they can get the information they need about their upcoming service.

3. Pass out and assign the Jury Duty Worksheet. At the teacher's discretion, students can be assigned to work in groups or as individuals.

4. Direct students to visit the court's website at www.moed.uscourts.gov, and click the "Jury Service" tab at the top of the page. There they should find and read the letter to jurors from the Chief District Judge.

5. After reading the letter, they should find "Juror Handbooks" on the left-hand column, then select "Trial Jury." This will open a pdf file they should use to complete the Jury Duty Worksheet. If internet access is not available, the pdf file can be downloaded and saved or printed.

6. If some groups finish early, they can explore the other resources for jurors on this page, including:

A. Click "Juror FAQs" on the left-hand column, then select individual questions, or scroll down to read them all.

B. Click "U.S. Courts National Website" on the left-hand column. This will open up the national page with jury duty information.

7. When all groups are finished, discuss the answers to the Jury Duty Worksheet. Place special emphasis on the importance of selecting a jury that will be fair and impartial to all parties. Explain that the court staff, judges, and attorneys all work hard during questioning, to ensure everyone has a right to a fair trial.

8. If possible, instruct students to navigate to the U.S. Courts website to watch the 5 minute video Court Shorts: Jury Service. To get there, they should click "U.S. Courts National Website" on the left-hand column. This will open the national page with jury duty information. When students scroll down, they will see a video screen that says "Court Shorts: Jury Service" with an arrow to play.

9. As an alternative, this could be shown to the group back in the classroom. Students should take notes while watching the video.

10. OPTIONAL EXTENSIONS:

A. Assign students to research information about jury duty at their local state court, and compare and contrast this information with what they've just learned about federal jury duty. Below are the links for two state courts in Missouri.

i. 22nd Judicial Circuit in Missouri (St. Louis City) JURY DUTY

ii. 21st Judicial Circuit in Missouri (St. Louis County) Jury Duty - St. Louis County Courts - 21st Judicial Circuit

11. Review the Guiding Questions

- What is a jury?
- Where is it found in the Constitution?
- How is it both a right and a responsibility of American citizenship?
- What is the job of a juror?
- How do criminal and civil trials compare?
- How is a fair and representative jury selected for a trial?
- What rules ensure the jury comes to a fair and correct verdict?

Handout A – Jury Duty Worksheet

Jury Duty Worksheet

Instructions: Use the Trial Jury Handbook to answer the following questions.

1. Fill in the blanks. The judge determines the _____ to be applied in the case while the jury decides the _____.

2. Fill in the blanks. Jurors must be men and women possessed of sound _____, absolute _____, and a complete sense of _____.

3. What type of case is it when someone is being charged with breaking the law?
_____

4. What type of case is it when people in a disagreement come to the court to settle the matter?
_____

5. The judge and attorneys will question prospective jurors to select the fairest jury for the trial. What is this questioning process called? _____ _____

6. Write 2 examples of types of questions potential jurors could be asked in this process:

   a. _____

   b. _____

7. Read this scenario, and answer the questions that follow. There is a case between the plaintiff (Joe Smith) and the defendant (City Car Wash). The plaintiff is suing the defendant because he claims he brought his car in for a wash and wax, and the car wash damaged his car.

Joe Smith's Attorney: *Have any of you ever taken a car to City Car Wash?*
Juror #1: *Yes, I take both of my cars there. A few months ago, one of my cars was dented while at the car wash.*
Joe Smith's Attorney: *Was it badly damaged?*
Juror #1: *It doesn't affect how the car drives, but it looks bad.*
Joe Smith's Attorney: *Do you think this experience will keep you from being a fair juror in this case?*
Juror #1: *No, I don't.*

Decide from his answers whether or not you think Juror #1 would be fair for this case. **YES or NO**

As you just read, Mr. Smith's attorney asked a few questions of Juror #1. Now, pretend you are the attorney for the other side – City Car Wash. Write a question you would ask potential jurors like Juror #1, to determine if they would be a fair juror in this case:

_____

_____

8. Fill in the blanks. Parties on either side may ask that a member of the panel be _____ (or exempted) from service on a particular jury. These requests, or demands, are called _____.

9. There are two ways to remove potential jurors from the group. Name and answer questions about each below:

   a. What is it called if someone is challenged for prejudice or bias?
      i. Challenge for _____
      ii. Is there a limit on the number of possible jurors who can be challenged this way? **YES or NO**

   b. What is it called if someone is challenged with no cause or reason?
      i. _____ challenges
      ii. Does each side have a set number of these they can use to remove potential jurors from the pool? **YES or NO**

10. Skip to "Conduct of the Jury during the Trial." List 2 things *jurors should do*.
   a. _____
   b. _____

11. Now list 2 things *jurors should never do.*
   a. _____
   b. _____

Handout B – Jury Duty Worksheet Answer Key

Jury Duty Worksheet

Instructions: Use the Trial Jury Handbook to answer the following questions.

1. **PAGE 1, PARAGRAPH 3.** Fill in the blanks. The judge determines the **LAW** to be applied in the case while the jury decides the **FACTS**.

2. **PAGE 1, PARAGRAPH 4.** Fill in the blanks. Jurors must be men and women possessed of sound **JUDGMENT**, absolute **HONESTY**, and a complete sense of **FAIRNESS**.

3. **PAGE 1, PARAGRAPH 7.** What type of case is it when someone is being charged with breaking the law? **CRIMINAL**

4. **PAGE 1, PARAGRAPH 8.** What type of case is it when people in a disagreement come to the court to settle the matter? **CIVIL**

5. **PAGE 3, PARAGRAPH 2.** The judge and attorneys will question prospective jurors to select the fairest jury for the trial. What is this questioning process called? **VOIR DIRE** (pronounced vwah dire)

6. **PAGE 3, PARAGRAPH 4.** Write 2 examples of types of questions potential jurors could be asked in this process:
ANSWERS WILL VARY:
   - **Do you know of any reason you could not render an impartial verdict?**
   - **Are you related to one of the attorneys?**
   - **Are you personally acquainted with one of the witnesses?**
   - **Do you have a prejudice or bias that would influence your verdict?**

7. Read this scenario, and answer the questions that follow. There is a case between the plaintiff (Joe Smith) and the defendant (City Car Wash). The plaintiff is suing the defendant because he claims he brought his car in for a wash and wax and the car wash damaged his car. **NOT IN THE HANDBOOK. STUDENTS SHOULD ANSWER THESE USING THEIR BEST JUDGMENTS.**

Joe Smith's Attorney: *Have any of you ever taken a car to City Car Wash?*
Juror #1: *Yes, I take both of my cars there. A few months ago, one of my cars was dented while at the car wash.*
Joe Smith's Attorney: *Was it badly damaged?*
Juror #1: *It doesn't affect how the car drives, but it looks bad.*
Joe Smith's Attorney: *Do you think this experience will keep you from being a fair juror in this case?*
Juror #1: *No, I don't.*

Decide from his answers whether or not you think Juror #1 would be fair for this case. **YES or NO (ANSWERS WILL VARY)**

As you just read, Mr. Smith's attorney asked a few questions of Juror #1. Now, pretend you are the attorney for the other side – City Car Wash. Write a question you would ask potential jurors like Juror #1, to determine if they would be a fair juror in this case:

ANSWERS WILL VARY. Have any of you ever noticed a dent or other damage to your car, and not been able to pinpoint exactly when or where it happened? OR Juror #1, did you talk to anyone at City Car Wash after the damage occurred to verify it really happened?

8. **PAGE 3, PARAGRAPH 5.** Fill in the blanks. Parties on either side may ask that a member of the panel be **EXCUSED** or exempted from service on a particular jury. These requests, or demands, are called **CHALLENGES**.

9. **PAGE 3, PARAGRAPH 6 & 7.** There are two ways to remove potential jurors from the group. Name and answer questions about each below:

a. What is it called if someone is challenged for prejudice or bias?

i. Challenge for **CAUSE**

ii. Is there a limit on the number of possible jurors who can be challenged this way? **YES or NO**

ADDITIONAL INFO NOT IN HANDBOOK: THIS INCLUDES THE JUDGE EXCUSING PEOPLE WHO DEMONSTRATE A TRUE HARDSHIP OR OTHER REASON WHY THEY CANNOT SERVE FOR THE TRIAL.

b. What is it called if someone is challenged without stating a cause or reason?

i. **PEREMPTORY** challenges

ii. Does each side have a set number of these they can use to remove potential jurors from the pool? **YES or NO**

ADDITIONAL INFO NOT IN HANDBOOK: EACH SIDE IS ALLOWED A LIMITED NUMBER OF PEREMTORY CHALLENGES, WHICH VARIES BY THE TYPE OF CASE. THOUGH THE PARTIES DON'T HAVE TO STATE A REASON, JURORS CANNOT BE CHALLENGED DUE TO RACE, ETHNICITY, OR GENDER. IF THE OTHER SIDE HAS A CONCERN ABOUT A CHALLENGE, A PARTY MAY NEED TO EXPLAIN THEIR REASONING.

10. **PAGES 6 & 7.** Skip to "Conduct of the Jury during the Trial." List 2 things *jurors should do*.

ANSWERS WILL VARY. DEPENDING ON THE PHRASING, MANY OF THESE COULD BE INCLUDED IN #10 AS A 'DO' OR IN #11 AS A 'NEVER DO.':

- **Give close attention to testimony.**
- **Disregard prejudices.**
- **Follow the court's instructions.**
- **Render a verdict according to their best judgment.**
- **Keep an open mind.**
- **Disregard any statements made by a lawyer in argument that have not been proved by the evidence.**
- **Disregard any statement by a lawyer as to the law of the case if it is not in accord with the judge's instructions.**
- **Use experience, common sense, and common knowledge.**
- **Avoid radio and TV broadcasts that might mention the case.**
- **Etc, etc, etc….**

11. **PAGES 6 & 7.** Now list 2 things *jurors should never do.*

ANSWERS WILL VARY. DEPENDING ON THE PHRASING, MANY OF THESE COULD BE INCLUDED IN #10 AS A 'DO' OR IN #11 AS A 'NEVER DO.':

- **Don't attempt to make up their mind until all evidence has been presented.**
- **Don't discuss the case, even among themselves.**
- **Don't rely on any private sources of information.**

- **Don't inspect the scene of an accident or any event of the case on their own.**
- **Etc, etc, etc….**