Greetings from the Kansas Bar Association (KBA).
Welcome to this fourth edition of Law Wise for the 2017-2018 school year.

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Calendar of Events
February 9.......... Mock Trial Registrations Due
February 24.........................Regional Mock Trial Competition – Olathe and Wichita
February 19...............................President’s Day
March 31 ..............................State Mock Trial Competition, Topeka

MOCK TRIAL:
Roots of Justice in Greek Tragedy

In the opening drama of The Oresteia trilogy, King Agamemnon returns victorious from the Trojan War with a concubine. His wife, Queen Clytemnestra, is angry with Agamemnon both because he sacrificed their oldest daughter to get to the war and because he returned with a concubine. In Agamemnon’s absence, Clytemnestra began an affair with Agamemnon’s cousin Aegisthus, who holds a grudge against Agamemnon’s family because Agamemnon’s father fed Aegisthus’ brothers to their father. Aegisthus helps plan Agamemnon’s assassination, which Clytemnestra carries out.

In the trilogy’s second tragedy, Apollo compels Orestes, who is Agamemnon and Clytemnestra’s son, to avenge Agamemnon’s murder. To do so, Orestes slays his mother Clytemnestra and Aegisthus. Though an Olympian ordered Orestes to slay his mother, Orestes’ act is heinous. The Furies torment Orestes because he committed matricide.

In the final drama, Orestes is subject to the Furies’ wrath until Athena, another Olympian, organizes a proper justice system in Athens. In this trilogy, ancient Greek tragedian Aeschylus describes the origin of the courtroom trial that ends the tangled web of murder and vengeance that has spanned generations.

While few fictional works spell out the origin of justice, numerous literary pieces include a trial and the drama that it engenders. Works that include a court case are a natural springboard for introducing students to the elements of a trial. A mock trial is not only a competition that the Kansas Bar Association sponsors for teams of six to eight high school students; a mock trial is also an activity for engaging students from elementary to high school.

www.ksbar.org/lawwise
Objectives for Mock Trials in the Classroom

Students, depending on age and grade, can develop a variety of skills by participating in a mock trial:

- reading;
- writing;
- listening;
- speaking;
- cooperating;
- determining sources’ central ideas;
- citing specific sources;
- distinguishing among fact, opinion, and reasoned judgment;
- analyzing events;
- determining whether earlier events caused later ones or merely preceded them;
- assessing the extent to which reasoning and evidence support claims; and
- evaluating premises, claims, and evidence.

Additionally, students will gain a basic understanding of the trial process, the roles that various people play in the justice system, and the conflicts those people deal with, exposing students to a variety of law-related careers. Ultimately, mock trials provide students the opportunity to study authority, fairness, and justice.

Forms of Mock Trials

There are two types of mock trials: scripted and role-play. Scripted mock trials are like plays, with students reading specific parts. Students need little advance preparation to participate in a scripted mock trial. The only non-scripted part is jury deliberation. Students on the jury determine the verdict based on the evidence they hear during the trial.

In role-play mock trials, students receive facts, the law, witness statements or directions for creating these statements, and perhaps exhibits. Based on these materials, students develop a case, opening statements, questions, and closing arguments using limited evidence rules and courtroom procedure. Students who have taken part in scripted mock trials or are older may be better equipped to participate in role-play mock trials.

Topics for Mock Trials

Mock trials provide a great deal of latitude for teachers. A teacher can spend as little as one hour to as much as ten weeks conducting a mock trial with a class. Cases can address various areas of content: science, language arts, and social studies. History, literature, and contemporary events can be the basis for a mock trial.

A natural entry point for conducting a mock trial in class could be actual trials from history:

- Socrates’ trial for corrupting Athenian youths;
- Martin Luther’s trial before the Diet of Worms;
- Galileo Galilei’s trial before the Roman Inquisition;
- Witchcraft trials in Salem;
- John Peter Zenger’s trial for libel;
- The Amistad criminal and civil trials;
- John Brown’s trial for treason;
- Susan B. Anthony’s trial for voting illegally;
- Homer Plessy’s case for violating the Louisiana Separate Car Act;
- the trial for manslaughter for the Triangle fire;
- John Scopes’ trial for violating Tennessee’s anti-evolution statute;
- the Scottsboro trials;
- Oliver Brown’s case versus the Topeka Board of Education; and
- the trial for the murder of Emmett Till.

Numerous literary works incorporate a trial that could be the basis for a mock trial:

- Aeschylus’ Eumenides, which is the third drama of The Oresteia trilogy;
- William Shakespeare’s Merchant of Venice;
- Lawrence and Lee’s Inherit the Wind, a fictional account of the Scopes “Monkey” trial;
- Harper Lee’s To Kill a Mockingbird;
- Arthur Miller’s The Crucible, a fictional account of the Salem witch trials; and
- Albert Camus’ The Stranger.

Evidence for a mock trial could come from a conflict in a literary work.

- In Goldilocks and the Three Bears, is Goldilocks guilty of breaking and entering and theft?
- In The Three Little Pigs, is the third little pig guilty of attempting to cook the Big Bad Wolf?
- In Elizabeth George Speare’s The Witch of Blackbird Pond, is Kit guilty of not behaving according to Puritan standards of conduct?
- In Lois Lowry’s The Giver, is Jonas guilty of violating his society’s values?
- In Norton Juster’s The Phantom Tollbooth, is Dr. Kakofoonous A. Dischord guilty of taking advantage of patients by prescribing horrible sounds?
Most students learn about the First Amendment by reading it in class, but last November, local Kansas students had the opportunity to experience firsthand its import in modern society. More than 200 high school students were invited to hear attorney Floyd Abrams speak on what our forefathers intended the First Amendment to be. He appeared at the request of the Johnson County First Amendment Foundation (JCFAF) and the ACLU on November 10, 2017, at the KU Edwardsville Campus. The event was moderated by retired federal judge The Hon. Deanell R. Tacha.

“Almost every significant First Amendment case argued in the last 40 years, Floyd Abrams has been part of that. His accomplishments are legend,” said J. Eugene Balloun, who is an attorney for Shook, Hardy & Bacon, and one of the co-founders of the Johnson County First Amendment Foundation.

The JCFAF was founded after students, just like the ones who attended the Abrams event, sued the Olathe School District for banning a book (Annie on My Mind) school board members did not feel was appropriate. Two of the attorneys for the plaintiffs in the Annie on My Mind case, J. Eugene Balloun and David J. Waxse of Shook, Hardy & Bacon, were instrumental in establishing and organizing the Foundation after a fight that went all the way to U.S. District Court where the students won, and the book was returned to the shelves.

The attorneys from Shook felt so strongly about First Amendment awareness that they donated their attorneys’ fees to start the Johnson County First Amendment Foundation. Every few years, the JCFAF invites a legal luminary to speak to students, and in 2017, that request brought Floyd Abrams to the Kansas City area.

A recording of this year’s event with Floyd Abrams may be viewed at http://jcfaf.org/jcfaf-events/
Congrès présente Robert J. Dole avec la Médaille de Médaille Congrégionale d'Or

On January 17 of this year, leaders of the U.S. House and Senate presented a Congressional Gold Medal to former Senate Majority Leader Bob Dole in recognition of his service to the nation as a soldier, legislator, and statesman. The Congressional Gold Medal is the highest civilian honor the United States can bestow.

Robert Joseph “Bob” Dole was born on July 22, 1923, in Russell, Kansas. He represented the state of Kansas in the United States Congress from 1961 until 1996—eight years in the United States House of Representatives, followed by 27 years in the United States Senate. During his 35 years in Congress, Senator Dole was a strong advocate for the disabled, prioritizing policy over partisanship to achieve significant Social Security reforms and advance the Americans with Disabilities Act. He is a U.S. veteran and served in World War II where he suffered critical and disabling injuries while helping another soldier. He was awarded two Purple Hearts and a Bronze Star for his service. Senator Dole continues to selflessly serve the American public—especially our nation’s veterans.

Senator Dole graduated from Washburn Municipal College (now Washburn University School of Law) and is a member of the Kansas Bar Association and a Fellow of the Kansas Bar Foundation.

You can learn about Senator Dole at the Robert J. Dole Institute of Politics, located in Lawrence. The Institute provides programs, tours, and resources for students and teachers.

Visit www.doleinstitute.org
or call 785-864-4900 to learn more.

February Buzz...from ESU

Former U.S. Senator Bob Dole
Still and Always Kansas’ Favorite Son

By Janice Romeiser

Honored Kansan, Bob Dole, featured in this publication, is an easy find in Kansas publications. His character, good deeds, and humor place him high on a list of great role models for youth.

Role models for youth would also be the goal of the mock trials competition. There are many mock trials to be found online and also in collections. We actually have some of the old standards here in our collection: Murphy v. National Sheet Metal; Ms. Piggy LaHogg v. Fatback Café; Wolf v. Pig; and Midland v. Pence. These four examples were from LRE Projects and they have been used many times. They provide scripts and ideas for narrative. All-in-all, mock trials allow a light-hearted, or at least a somewhat less serious journey through the legal processes.

You may contact us at 620-341-5292, or visit collections online at http://emporiastate.worldcat.org selecting the Drop down box for Resource Center.

More news upcoming!

Janice

We are proud to be a part of the Teachers College. We hold to the highest standards, and are always pleased to offer individual help for patrons and their learners! Visit us in person or online. jromeise@emporia.edu
• “The Big Bad Wolf v. the Three Little Pigs” Mock Trial  
https://www.utcourts.gov/general/edresources/docs/BigBad-WolfvThreeLittlePigs.pdf

• Yertle the Turtle Mock Trial  
https://www.americanbar.org/groups/public_education/resources/resources_for_judges_lawyers/4-6/46_dueprocess_yertle.html

• Salem Witch Trials Dramatization  
www.americanbar.org/groups/public_.../salem-witch-trials.html

• Mock Trials  
https://teachingcivics.org/find-lessons-2/

• Mock Trials—Scripted and Non-Scripted  
http://lawlessons.ca/teaching-resources/mock-trial-scripts

• Free Mock Trials  
http://streetlaw.org/en/publications/free_mock_trials

• Herschel C. Lyon Mock Trial  
https://www.courts.wa.gov/education/lessons/?fa=education_lessons&plan=CLyonMockTrial

• Literary Characters on Trial: Combining Persuasion and Literary Analysis  

• James Bond in A Honda: Trial Simulation  
https://www.icivics.org/products/lesson-plans

• Othello Mock Trial Handbook  
btwenglish.weebly.com/uploads/4/2/8/1/.../othello_mock_trial_handbook.docx

• “In Any Case: Conducting a Mock Trial”  

• A Surfer’s Dilemma  
https://www.americanbar.org/content/dam/aba/images/public_education/organic.pdf

• Famous Trials  
http://www.famous-trials.com/

• Mock Trial Unit Guide (a 10-week unit)  

• 2018 Kansas Bar Association Mock Trial Case Materials  

The Kansas Legislature consists of 125 members of the House of Representatives and 40 members of the Senate. Representatives are elected for a two-year term and Senators are elected for a four-year term. The Legislature convened January 8th and usually adjourns in May.

Visit www.kslegislature.org to learn about:

• How to locate your elected official
• Tracking the status of a bill
• Live audio broadcasts of the House & Senate
• Scheduling a school tour

In addition to the website, the public can access a variety of information by calling the Legislative Hotline at 1.800.432.3924. The hotline is a free service provided by the State Library of Kansas. Librarians are also available by instant message chat at www.kslib.info/ask-a-librarian.

(Photo courtesy of Lisa Taylor, Communications Director, Office of Judicial Administration)

1969 Supreme Court Ruling Topic of Keynote Address on February 19

Tinker v. Des Moines will be the topic of the keynote address at the KSDE Civic Engagement Conference on February 19. Mary Beth Tinker will speak about her experience as a student involved in the Tinker ruling. As part of the “Tinker Tour” she travels the country promoting civics education, student journalism, youth rights and youth voices.


About the Law Wise Editor:

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(Photograph courtesy of Lisa Taylor, Communications Director, Office of Judicial Administration)
Lesson Plan 1: Introducing the Trial Process and Steps in a Trial

Grade Level: 5-12

(based on material found at americanbarassocation.org)

This lesson will take one to two 50-minute periods or more, if the teacher takes the class to a trial. It will provide information so all students acquire basic information about the American legal system.

Objectives:
Students will be able to
1. explain the purpose of the trial process;
2. describe alternatives to the trial process;
3. list and explain major steps in a trial;
4. name parties to a case; and
5. explain the roles of lawyers, judges, and jurors in the trial process.

Activities:

2. Vocabulary Exercise: Tell students to list at least five words new to their vocabulary. Alternatively, begin class discussion by listing key words and phrases on the board (e.g., adversary system, plaintiff, prosecution, defendant, evidence) and eliciting definitions from the class.

3. Small-Group Discussion: Divide the class into groups of three. Ask each group to develop at least two examples of non-criminal disputes that might result in a trial. Ask groups to discuss alternate methods of dispute resolution for each case and to identify when a trial might be the only solution. (20 minutes)

4. Homework Assignment and Discussion Exercise: Ask students to find an article concerning an incident that might result in a trial. In class, discuss why the disputes arose. Identify a possible way to settle the cases out of court. Ask students, “If the parties go to court, what would they hope to accomplish?” (20 minutes)

5. Steps in a Trial: Have students state the order of events in a trial and list them on the board; alternatively, give each previously formed group of three a large sheet of paper and ask each group to develop its own list of trial procedures. In full class discussion, discuss ways that the class’s ideas about trial procedures match or vary from the actual procedure. Which is better? Why? (15 minutes)

6. Homework Assignment: Direct students to make individual charts of the trial process. Have each student find articles about a trial currently in the news and to identify particular steps in a trial that their articles referred to. Quiz students on the trial process and the steps in a trial.

7. Field Trip to Court (Optional): Make arrangements with a local court’s clerk or a local attorney for the class to visit a trial. Find out what phase of a trial students are likely to observe and whether the proceeding will be civil or criminal. Students may find this field trip more useful if the actual trial—civil or criminal—will be the same type as the mock trial. Spend some time in class the day before the field trip reviewing the civil or criminal process as appropriate. As homework after the field trip, have students write a paragraph to answer each of these questions:

- What kind of trial and what portion of the trial did you observe?
- Who were the most important people in the courtroom, and what did they do?
- What facts did you learn by observing the trial?
- What do you think happened after the class left?
- Did this process seem to be a good way to deal with the particular problem in the case? What alternatives would you recommend?

Discuss the field trip, based on the written responses, as a class or in the small groups during the next class. (A half or one full class period)

8. Guest Speakers: Having one or more attorneys or a judge visit class is a good alternative or addition to a field trip to court. Be sure they are adequately briefed regarding

- the class’s grade level, age, and prior legal knowledge;
- objectives for the visit;
- particular subject areas the class wants to discuss; and
- details of any activity to be conducted while the speaker is present. (One class period)

9. Distribute Mock Trial Materials: Distribute the mock trial case and related materials and assign reading for homework.
Lesson Plan 2: A Simplified Mock Trial for Practice

Grade Level: 5-12

(based on material found at teachingcivics.org)

This lesson will take two to three class periods. It will allow students to see how the mock trial process works before they participate in a full mock trial based on content from history, science, or literature.

Objectives:
Students will be able to
1. develop an appreciation for the importance of various members of a court trial and
2. practice communication and critical thinking skills as they prepare and present their case.

Activities:
1. Distribute Facts of the Mock Trial: Distribute the facts below and read to the class.
2. Assign Roles: Have students rank their top four role preferences before assigning roles. Balance abilities and skills when more than one student will be a team member for a role.
3. Give an Overview of the Mock Trial Process: Remind students of the previous lesson, Introducing the Trial Process and Steps in a Trial. To give students a template for their role, download and print or adapt a process from http://2ndcircuit.leoncountyfl.gov/teenCourt/resources/MockTrialAttorneyandBailiffScript.pdf
4. Give Students Preparation: Give students 10 minutes to prepare their part in the trial. This mock trial is simplified to allow students to become familiar with and see the entire mock trial process.
5. Conduct the Mock Trial: Emphasize the process as students conduct the mock trial.
6. Reflect: Ask students about what they learned by playing their role and by seeing the entire mock trial in action.

Simplified Mock Trial

Introduction

State (Prosecution) v. Tony (Defendant)

Issue: Did Tony throw the stone that broke Mr. Wiley’s windows?

Facts:
Tony and several of his friends were riding their bikes around the neighborhood on Friday, March 15. At about 6:00 P.M. a few kids from a different neighborhood rode by Tony and his friends. They teased Tony and his friends and dared them to throw stones at Mr. Wiley’s windows. Mr. Wiley is an elderly man who often tells children to stay off his property. Several windows were broken, and when Mr. Wiley ran out of his house to stop the children, he recognized Tony. The State has charged Tony with vandalism.

Prosecution’s Witness Statements:

Mr. Wiley:
I have lived in this neighborhood for 47 years. My wife and I built our house when we married. My wife died five years ago. Since then, I have been a victim of many attacks of vandalism. On Friday evening, March 15, I was watching the 6:00 P.M. news when I heard glass breaking on my front porch. I ran out my back door and around the house to see what was going on. I saw lots of kids. I recognized Tony because he lives down the block and often rides his bike past my house. It was clear to me that this group of kids was responsible for breaking my windows. In fact, Tony had a rock in his hand and was getting ready to throw it.

Leslie:
I have delivered newspapers to Mr. Wiley’s neighborhood for three years. On Friday, March 15, I was delivering a newspaper to Ms. Crowley, who lives three houses away from Mr. Wiley, when I heard kids screaming, and then I heard breaking glass. I ran over to Mr. Wiley’s house. I saw about 10 children on the front yard. Tony and another kid were pushing each other. It looked to me like the other kid was trying to stop Tony from throwing a stone. I did not see anyone throw stones.

Defense’s Witness Statements:

Sandy:
Tony and I were out riding our bikes with some friends on Friday, March 15. We were riding up and down Tony’s block when a bunch of kids we didn’t know rode up to us and started teasing us. They dared us to throw stones at grouchy old
Mr. Wiley’s windows. We tried to ignore them. They threw a stone and hit a front porch window. Then they threw some more stones. And I think a couple of windows were broken. Tony and I and our friends stood and watched. When one of the other kids picked up a stone to throw, Tony tried to stop him. Then Mr. Wiley came around the house. The other kids said they didn’t throw the stones, but they said that Tony did. I think they were mad at Tony because he tried to stop them. Tony is a real nice friend. He wouldn’t try to break Mr. Wiley’s windows.

Tony:

I was riding bikes with my friends on Friday, March 15. It was getting dark when a bunch of kids we didn’t know rode up to us and started bugging us. They wanted us to throw rocks with them. They were going to try to break some of Mr. Wiley’s front porch windows. Even though I don’t like Mr. Wiley much, we said that we wouldn’t do that. I saw one kid standing next to me pick up a rock. I tried to take it out of his hand, so he wouldn’t throw it. That’s when Mr. Wiley came around the corner. Leslie, the newspaper carrier, also showed up. I did not throw any stones.

Jury Instructions:

The prosecution must set out such a convincing case against the defendant that the jury believes “beyond a reasonable doubt” that the defendant is guilty.

The Law:

Whoever intentionally causes damage to physical property of another without his or her consent is guilty of a misdemeanor and will be sentenced to imprisonment for not more than 90 days or payment of a fine of not more than $1,000 or both.

Visit www.ksbar.org/lawwise to see archived issues, frequently asked questions, and to sign-up to receive six issues a year via email.