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| **TEXAS CTE LESSON PLAN**  [www.txcte.org](http://www.txcte.org) | |
| **Lesson Identification and TEKS Addressed** | |
| **Career Cluster** | Law, Public Safety, Corrections, and Security |
| **Course Name** | Court Systems and Practices |
| **Lesson/Unit Title** | The Impact of Public Opinion and the Legislature on the Court System |
| **TEKS Student Expectations** | **130.340. (c) Knowledge and skills**  (2) The student examines the structure of the legal system in the United States. The student is expected to:  (I) describe the impact of public opinion and the legislature on the U.S. court system. |
| **Basic Direct Teach Lesson**  (Includes Special Education Modifications/Accommodations and  one English Language Proficiency Standards (ELPS) Strategy) | |
| **Instructional Objectives** | The student will be able to:  1. Identify factors that influence the court system  2. Describe real life cases that have been affected by these factors  3. Construct a case that is sensitive to the public’s desire for justice  4. Critique other students’ ability to judge the public opinion’s influence on a mock trial |
| **Rationale** | The court system is not an independent branch of the government unaffected by other sources. It is important to know what influences the way our justice system works to avoid frustration and misunderstanding. |
| **Duration of Lesson** | This lesson should take 4-6 hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a, c, f; c2b; c3a, b, d; c4c; c5b) PDAS II (5)* |  |
| **Materials/Specialized Equipment Needed** | * The Impact of Public Opinion computer-based Presentation * Computers with Internet access * Presentation materials or computer-based presentation software |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Have students brainstorm about a law they think needs to be passed or that needs to be removed. If necessary, have them scan the penal code to see what laws are currently on the books. |
| **Direct Instruction \*** | I. Public Opinion  A. What most of the public thinks about a topic  B. It is measured through many things such as:  1. Polls and surveys  2. Elections  II. The Legislature  A. The branch of government that makes the laws on which the court system rules  B. In the end, the legislature is influenced by public opinion since lawmakers are elected officials that must keep their constituents happy to get reelected  III. How Public Opinion Affects the Court System  A. Many times judges hold elected positions. If the majority of their voters do not agree with their philosophy on a ruling, they can be voted out. The elected judge may have this in mind as he or she makes decisions  B. District attorneys are elected for each county and are the ones who make the ultimate decision on whether to prosecute someone, and how they should prosecute  C. If there is a jury trying the case, they may have to be sequestered so they are not influenced by the media  D. Jury members may not want to face scrutiny for their decisions, especially if they had already prejudged the case or know how their friends and family members would think about the case  IV. How the Legislature Affects the Court System  A. The legislature determines what is or is not a crime, thus determining what cases the court gets to decide  B. The legislature passes laws that may affect the way courts function:  1. Mandatory sentencing  2. The class of the crime and what court hears it, such as a  misdemeanor instead of a felony court  V. How the Court System Affects Itself  A. If a similar case has been ruled on before, the judge may lean on the precedent already set  B. This occurs throughout the country with Supreme Court decisions  C. Other relevant cases are automatically decided or reversed based on what the Supreme Court rules  D. Lawmakers then decide what could or could not be against the law based on how the courts have ruled on similar laws and issues  VI. Historical Influence  A. In the past, there was a private prosecution system where victims had the power and responsibility to prosecute crimes  B. By the time of the American Revolution a public prosecution system was in place  C. Crimes became public concerns instead of private concerns  D. It was not as much about the individual being the victim as society being the victim  E. This kept sentences from being as vindictive  F. Starting in the 1960s, the pendulum started to swing the other way with more emphasis on the individual instead of the community  VII. Factors of Influence  A. Politics  B. The type of crime or issue  C. The victim  D. The suspect  E. The media  F. Lobbyists  G. Religion  H. The public’s knowledge or lack of knowledge about an issue  VIII. Politics  A. This ties back to the legislature and elections  B. There are normally two philosophies that dominate law makers  and judges:  1. Liberalism  2. Conservatism  C. Liberals  1. Value self expression  2. Value individual privacy such as matters of religious or sexual preferences  3. Demand social control in the commercial sphere, at the work place, and in the stock markets  D. Conservatives  1. Focus on self control in individual privacy matters  2. Defend untendered self expression in the commercial sphere for employers and producers  3. Oppose government restrictions on the marketplace  IX. Type of Crime or Issue  A. People are opinionated about certain crimes or topics. Lawmakers and courts may have to vote or decide on these issues with public opinion in mind. Some of them are:  1. The death penalty  2. Gay marriage  3. Abortion  4. Sex crimes  5. Healthcare  6. Gun rights  B. If someone has been a victim or suspect of a specific crime some people may react to it in ways that others would not  X. Type of Victim or Suspect  A. Decisions of the court system have shown to be greatly affected by who the victim is. Some of the factors that influence these decisions:  1. Social class  2. Sex  3. Race  4. Age  5. Celebrity status  a. Most people agree that O.J. Simpson was found not guilty for the double murder charge because of his status  b. The same applies for Michael Jackson and his sex crime charges  c. On the other hand, former New York Giants wide receiver Plaxico Burress received the maximum amount of punishment for illegally carrying a gun in New York City because the district attorney wanted to make an example of him  B. Those who know the suspect or victim may have a certain opinion about how the case should be handled  XI. Media  A. The news agencies and newspapers have a lot of power in deciding what they will or will not cover  B. If they don’t bring a certain topic to light, the public may not be aware of it enough to form an opinion  C. If the reporter has a bias for or against the topic, they may cover the topic a certain way but exclude certain facts and try to influence what the public thinks about it  D. What people see in the movies or on television influences them. This can be a problem because  1. Sometimes the producers have a bias and are trying to appeal to people’s emotions about a topic while excluding some of the facts  2. Producers and actors are in the business to make money and are more concerned about the entertainment value instead of making sure all the facts are right  XII. Lobbyists  A. People who are paid by companies or organizations to represent their interests to lawmakers and influence the way lawmakers vote in favor of whom they represent  B. Lots of money is paid to lobbyists to do this  C. The more money an effort has, the better representation and influence they have with lawmakers  XIII. Religion  A. Many people from their beliefs about issues based on their religion  B. A lot of religions have common beliefs on the same issues  C. Protest groups and lobbyists may represent groups made up mostly of religious people with these shared beliefs on a topic  XIV. The Public’s Knowledge or Lack of about the Crime or Issue  A. Wrong perception of the crime or issue  1. The public may want harsher penalties on crimes that statistically are not as bad as the media claims  2. The public may not realize the impact certain laws will have, even on their own way of life, until after they are passed  B. Incorrect perceptions of the criminal justice system that have the public demanding harsher penalties  1. Assumptions that criminals do not take responsibility for their actions  2. Belief that prisoners do not do anything in prison but watch television and don’t serve their whole prison sentence  C. The public has the tendency to see itself as a potential victim instead of a potential suspect of a crime |
| **Guided Practice \*** |  |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | * Students will research one of the factors of influence and research it more thoroughly. They will find specific examples of when these factors work and present what they discover to the class. Use the Research Rubric for assessment. * Students will write a proposal describing their position, why the public would agree with them, and why the state legislature would pass their request. Have them explain how this would impact the court system and then present their proposal to the class. The students may use computer-based presentation software or other presentation materials. Use the Writing and Presentation Rubrics for assessment. * Have students complete The Impact of Public Opinion Open-note Quiz. * Have each student research and present the results of one of the following. The students may use computer-based presentation software or other presentation materials. Use the Presentation Rubric for assessment:   • A famous law or punishment that was brought about or struck down because of public opinion  • An infamous case that was heavily influenced by public opinion or seemed to have excessively harsh or lenient punishments because of the factors involved   * Have students participate in a mock trial activity with a prosecutor and judge or jury who must make decisions about cases with the class opinion in mind. At the beginning of the lesson choose a student to play the role of a police officer. The officer is responsible for writing tickets to those who violate school rules (such as chewing gum in class, etc.) or established class rules. |
| **Lesson Closure** | At the end of the lesson have a student (or students) play the role of the prosecutor. The prosecutor is responsible for deciding which cases to prosecute and the punishments to seek for those cases. Have the class conduct a mock trial for each case.  The responsibilities of the other roles are as follows:   * the defendant chooses a defense attorney if he or she desires * the judge (or jury) decides on the case * the prosecutor (while choosing what to prosecute) and judge or jury must balance between what the legislature (teacher) will approve and what their classmates will think of the decision * the legislature decides if the law should be changed in the future based upon how the prosecutor approaches the case |
| **Summative/End of Lesson Assessment \*** | If the teacher and the class agree with the verdict and punishment then everyone except the defendant can receive extra credit. If only the teacher or only the class agree with the verdict, then all those involved and the defendant split the extra credit. If neither the teacher, nor the class agrees with the verdict, then only the defendant and their attorneys get the extra credit. The Role Play and Debate Rubrics may be used for assessment.  Accommodations for Learning Differences For reinforcement, students will research one of the factors of influence and research it more thoroughly. They will find specific examples of when these factors work and present what they discover to the class. Use the Research Rubric for assessment. |
| **References/Resources/**  **Teacher Preparation** | * ISBN: 0201622742, *It’s All the Rage: Crime and Culture*, Wendy Kaminer, 1995. |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | Cross-Disciplinary Standards  I. Key Cognitive Skills  A. Intellectual curiosity  1. Engage in scholarly inquiry and dialogue.  2. Accept constructive criticism and revise personal views when valid evidence warrants.  B. Reasoning  1. Consider arguments and conclusions of self and others.  2. Construct well-reasoned arguments to explain positions or lines of reasoning. |
| **Recommended Strategies** | |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy**  **Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies**  **Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication**  **90 Second Speech Topics** |  |
| **Other Essential Lesson Components** | |
| **Enrichment Activity**  (e.g., homework assignment) | Students will research the effect the death penalty has or has not had on homicide rates and how accurate the public’s perception of its use is. Use the Research Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)