Lesson Creator: Laura Oliynik, White Rock School, Jefferson Township, NJ

Grade Level: 3-5

Objectives: Students will be able to:
- Explore procedural due process by conducting a mock trial
- Explain how a jury trial is conducted.

Time Required: Two-Three class periods

New Jersey Student Learning Standards for Social Studies (2020):

6.1.5.CivicsPR.1: Compare procedures for making decisions in a variety of settings including classroom, school, government, and/or society.

Essential Questions:

- What is a trial?
- What is a “mock trial”?
- What is the role of a judge?

Materials:

- Judicial Branch reading and vocabulary terms
- 1 mock trial script for each student
- jury duty slips
- juror badges
- classroom set up like a courtroom
- graduation gown (for judge to wear)
- gavel (optional, can usually get a plastic one at a party store or online)
- verdict slips
- props may include a bible or dictionary for witnesses to be sworn in, a lunchbox as
Vocabulary

- Procedural Justice
- Trial
- Appellate
- Jury
- Juror
- Judge
- Impartial

Day One: Background Vocabulary discussion

What is a trial?

A trial is a formal examination of evidence before a judge, and typically before a jury, in order to decide guilt in a case of criminal or responsibility in civil proceedings. The trial must follow due process rules that ensure that it is conducted impartially.

What is a “mock trial”?

A mock trial is a simulation or enactment of a judicial proceeding in a trial court.

What is the role of a judge?

Judges, who are appointed in New Jersey but elected in most states, preside over court proceedings, including civil and criminal cases. The judge must conduct the trial impartially. The judge gives instructions to the jury and in cases with no juries, decides on the facts and the rulings.

What does “impartial” mean and why is it important?

Impartial means fair, objective unbiased. Court decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit to one person over another for improper reasons.

Why is it important for judges to be impartial? The Framers and the ratifiers considered that a fair and impartial judiciary — one that followed the law and was not biased, partisan, intimidated or seeking preferment — was central to a republican form of government. They believed that judicial independence was critical to fairness and impartiality. This was important so that the public would have faith in the decisions of the courts.

What is the role of a juror?

A jury is a body of people from the community who are summoned to a trial to consider the
evidence introduced and decide the facts in accordance with the principles of law laid down by the judge’s charge to the jury. Juries developed in England during the Middle Ages, and are a hallmark of the British common law legal system.

**Day Two: Procedural Justice**

Procedural justice refers to the fairness of the procedure used to gather information and make decisions. Police often need information about people they think have broken the law. How they get this information is important. Courts have procedures for gathering information and making decisions that include:

- the right to tell your side of the story
- the right to have a friend or lawyer help tell your side of the story
- the right to have witnesses who support you
- the right to question witnesses who testify against you
- the right to an impartial judge and jury

**Day Two and Three: Conducting a Mock Trial:**

Prior to the mock trial day, do the following:

1. Involve your students in the lesson about New Jersey’s Judiciary at [https://civiced.rutgers.edu/nj-](https://civiced.rutgers.edu/nj-)
2. Discuss court case vocabulary (Handout 1) with students
3. Share Handout 4: The Facts, with your students
4. Choose 5 students for reading parts—More fluent readers should be attorneys and defendant, less fluent readers could be witnesses. Give them highlighted scripts (Handout 7) ahead of time and make sure they are comfortable with having a reading part. Tell them to read over their parts before mock trial day.
5. The rest of the students will be jurors. Hand out “Jury Duty” slips (Handouts 2 and 3) that let them know where and when they will need to report for jury duty.
6. Plan for setting up a classroom as a courtroom, and plan for props.

On mock trial day, set up classroom to look like a courtroom.

1. Line both sides of the classroom with desks for jurors to sit, and middle should be for attorneys, defendant, and witnesses.
2. Jurors will enter. Give them each a badge and a script to follow. They should also have a form to fill out with the verdict choices (Handout 6).
3. Once everyone is in their places, go through the mock trial script, with the jurors listening to details. At the end, the attorneys, witnesses, and defendant can sit outside for a few minutes while the jury deliberates. Call everyone back together when they are ready and read the verdict.

At the end of the mock trial, discuss why it is better for a group of people to be on a jury instead of just one person and what “innocent until proven guilty” means? (this can also be written out on the ticket out slip—Handout 8).
Assessment:

Student participation in Mock Trial, Ticket Out Slip Responses

Extension:

- Have students participate in the New Jersey State Bar Foundations’ annual mock trial law fair for grades 3-6. For information, go to https://njsbf.org/school-based-programs/mock-trial/law-fair-competition-for-grades-3-to-6/

- Engage students in the New Jersey State Bar Foundation’s activities for elementary students at https://njsbf.org/school-based-programs/mock-trial-civics-online-content/
ATTORNEY- a lawyer

PROSECUTING ATTORNEY- a lawyer who works for the state government that is trying to prove that the criminal is guilty

DEFENSE ATTORNEY- a lawyer who works for the accused criminal who is trying to prove that he/she is not guilty

DEFENDANT- the person who is accused of a crime

WITNESS- Someone who was present at the time of a crime

GUILTY- having committed a crime

NOT GUILTY- NOT having committed a crime

OBJECTION- when someone does not approve of what is being said, something is unfair

SUSTAINED- to support an objection, to agree that something was not fairly said

VERDICT- the decision made by the jury

JUROR/JURY- a group of people who make the decision or verdict in a court case

ADJOURN- to end or postpone a case
**Handout 2: Juror Summons**

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<tr>
<td>The Judiciary welcomes your participation as a juror. Jury service is one of the highest duties of a citizen, and we recognize the sacrifices you are making in terms of your time and energy. We hope that your juror experience will be interesting and that you take satisfaction from your contribution to the administration of justice in New Jersey.</td>
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<td>YOU MUST REPORT TO _________________________(classroom location)</td>
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<td>ON _______________ (date) AT _______________(time).</td>
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<td>N.J.S. 2B:20-14b. Every person summoned as a grand or petit juror who shall either fail to appear or refuse, without reasonable excuse, to serve, shall be liable for a fine not to exceed $500 ... or may be punished for contempt of court.</td>
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<td>(Summons created for educational purposes with wording from <a href="http://www.judiciary.state.nj.us/pressrel/official%20business%20jury.pdf">http://www.judiciary.state.nj.us/pressrel/official%20business%20jury.pdf</a>)</td>
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### Handout 3: Jurors

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The Facts

A fourth grader at _________ School named Harry Stickyfingers has been accused of stealing lunches from students who bring their lunches to school. He has been committing these crimes while classes have been gone for their morning specials. Last week, he was eating a lunch that was declared stolen earlier that day. Harry claims he just happened to have the same lunch as someone else.
Handout 5: Roles

For this mock trial, I am a: (circle one)

Judge

Juror

Prosecuting Attorney

Defendant

Defense Attorney

Witness
Handout 6: Notes Section for Juror: As you listen to the case, you may list notes below from the case of evidence that Harry is guilty or not guilty.

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<th>Evidence Harry is GUILTY</th>
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JUROR VERDICT SECTION:

Based on the evidence of the case, I determine that Harry Stickyfingers is:

☐ GUILTY of stealing the lunchbox*

☐ NOT GUILTY of stealing the lunchbox

*If you chose GUILTY, select one punishment below:

☐ Harry Stickyfingers will have to spend his recess time in the principal’s office for two weeks.

☐ Harry Stickyfingers will have to spend his recess time cleaning the cafeteria for one month.

☐ Harry Stickyfingers will eat his lunch in the office for two weeks, and lose recess for one week.

Name:____________________________________
SCENE: A courtroom. The judge is seated at the front of the room. The prosecutor’s side is in front of the judge to the left and the defendant’s side is in front of the judge to the right. The witnesses are seated behind two sides and the jurors are seated to the side of the court floor.

THE HONORABLE JUDGE (Hit Gavel): This is the case of Harry Stickyfingers versus _________ Elementary School. As I understand the pleadings, the charge against Mr. Stickyfingers is stealing from school property. Now, are there any opening statements?

DEFENDING LAWYER: Your honor, in this case, we will show that on October 10, the defendant Harry Stickyfingers was indeed out of his classroom at the time that the lunches were stolen. However, we have a witness who will testify to prove that there is no way that Harry could have stolen the lunches. He was busy doing other things with his school day. We will show that it is impossible for Harry to have stolen the lunches, and explain where the lunch he was eating came from.

THE HONORABLE JUDGE: Does the Attorney against Mr. Stickyfingers have any opening statement?

PROSECUTING ATTORNEY: Your honor, any suggestion that Mr. Stickyfingers is innocent of this crime is ridiculous. We will show that the lunch that Mr. Stickyfingers was eating was a stolen lunch and not his. Also, we will prove that Mr. Stickyfingers was seen near the classrooms where lunches were stolen at the time of their disappearances. This is just the latest in a long line of inappropriate and downright inconsiderate actions shown by Mr. Harry Stickyfingers.

THE HONORABLE JUDGE: Very well, please call your first witness.

PROSECUTING ATTORNEY: I call Victoria to the stand as my first witness.

VICTORIA (gets up, stands next to seat by the judge to be sworn in):

THE HONORABLE JUDGE: Please raise your right hand. Do you swear that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?

VICTORIA: I do.
THE HONORABLE JUDGE: Please be seated.

PROSECUTING ATTORNEY: Please state your name.

VICTORIA: My name is Victoria. I am in Mrs. McNeal’s fourth grade class.

PROSECUTING ATTORNEY: And do you bring your lunch to school? Or do you buy lunch?

VICTORIA: Well, I usually buy regular lunch. But earlier this month, it was my birthday, and I got a special lunch packet just for me!

PROSECUTING ATTORNEY: And how was your lunch for your birthday?

VICTORIA (gets emotional): It was…terrible! I never got to eat it! My beautiful lunchbox, my Pringles, my peanut butter and fluff sandwich, my Capri Sun….they were…. STOLEN!

PROSECUTING ATTORNEY: That is awfully unfortunate, Miss Victoria. And when did you notice that your lunch was stolen?

VICTORIA: Right after library at 10:40. I went to put my new books in my backpack, and my lunch was gone from the closet shelf.

PROSECUTING ATTORNEY: And did you ever find your lunch?

VICTORIA: No, but I found my lunchbox out by the swings. It was….. empty.

PROSECUTING ATTORNEY: So Miss Victoria, there is a clear possibility that someone could have stolen your lunch, ON YOUR BIRTHDAY, and eaten it?!

VICTORIA: That could be the only explanation.

PROSECUTING ATTORNEY: Thank you, Miss Victoria. Your honor, for my second witness, I call Mr. Harry Stickyfingers to the stand.

HARRY: (gets up, stands next to the seat by the judge to be sworn in)

THE HONORABLE JUDGE: Please raise your right hand. Do you swear that the evidence that you are about to give is the truth, the whole truth,
and nothing but the truth?

HARRY: I do.

THE HONORABLE JUDGE: Please be seated.

PROSECUTING ATTORNEY: Please state your name.

HARRY: My name is Harry Stickyfingers. You can call me Harry… or Sticky.

PROSECUTING ATTORNEY: Um, no thanks. Tell me, Harry, where were you on October 10th between 10:20 and 10:40?

HARRY: I was in my classroom doing centers!

PROSECUTING ATTORNEY: You didn’t leave at ALL?!

HARRY: Well, let me think here…I remember I was REALLY busy that day. I almost forgot to go to my band lesson! So I ran down the hall to my lesson, but it was cancelled anyway.

PROSECUTING ATTORNEY: You didn’t stop anywhere on the way back?

HARRY: Nope.

PROSECUTING ATTORNEY: Not even to STEAL a birthday lunch?

DEFENSE ATTORNEY: OBJECTION!!! The prosecution is bothering my client!

THE HONORABLE JUDGE: Sustained. Please get to the facts, prosecutor.

PROSECUTING ATTORNEY: Well then, Harry, let me ask you this: the lunch you were found eating that day, what color was the lunch bag?

HARRY: Well, it was black- that’s what my lunchbox always looks like!

PROSECUTING ATTORNEY: Annnnd did it look like THIS?! (Holds up bag)
HARRY: Why, yes, exactly!

PROSECUTING ATTORNEY: Can you open the lunch bag and tell me what initials are on the inside top flap?

HARRY (opens lunchbox, looks at flap): It says…. V.K.

PROSECUTING ATTORNEY: Thank you, Mr. Stickyfingers. That’s all I have to ask you today. (sits down)

THE HONORABLE JUDGE: Now I invite the defense for Mr. Stickyfingers to question their witnesses beginning with Mr. Stickyfingers.

DEFENSE ATTORNEY: Mr. Stickyfingers, did you say you were doing centers at the time of the crimes?

HARRY: Yes, I did.

DEFENSE ATTORNEY: And what center were you working on?

HARRY: Well, I was doing the research and report center…. It was all about Spiders, it was pretty cool!

DEFENSE ATTORNEY: Did you finish your center in class that day, Harry?

HARRY: Oh yes! I always try to finish my centers in time so I don’t have to do them for homework.

DEFENSE ATTORNEY: So you didn’t really spend much time outside of the classroom?

HARRY: I only left for a minute. Just to check and see if I had a band lesson.

DEFENSE ATTORNEY: Well, you must’ve been pretty busy in class.

HARRY: Yes. AND I WOULD NEVER STEAL ANYONE’S LUNCH!

DEFENSE ATTORNEY: And Harry, what does your lunchbox look like?

HARRY: Just like Victoria’s. I wish I could show you but I lost it.
DEFENSE ATTORNEY: When did you lose your lunchbox?

HARRY: On October 10th. Sometime in the morning before school started. But then I found it on the floor in the hall by the bathrooms, or so I thought.

DEFENSE ATTORNEY: How often do you or your friends accidentally lose or drop your lunchboxes?

HARRY: All the time! There's always at least eight lunchboxes in the lost and found.

DEFENSE ATTORNEY: Thank you, Mr. Stickyfingers. Your honor, for my second witness, I call Mark to the stand.

MARK (gets up, stands next to the seat by the judge to be sworn in)

THE HONORABLE JUDGE: Please raise your right hand. Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth?

MARK: I do.

THE HONORABLE JUDGE: Please be seated.

DEFENSE ATTORNEY: Please state your name.

MARK: My name is Mark. And don't you forget it!

DEFENSE ATTORNEY: Where were you between 10:20 and 10:40 on October 10th?

MARK: I was out in the hallway making up a Science test.

DEFENSE ATTORNEY: Did you see anyone in the hall between those times?

MARK: Yeah, a couple of fourth graders passed by.

DEFENSE ATTORNEY: Did you see Harry?

MARK: Yeah, I did! I saw Harry pass by and I tried to say hello... but he was going so fast he didn't even hear me! He ran straight down the hall
and Mrs. Courtney yelled at him to stop running and then he just started walking real fast.

DEFENSE ATTORNEY: And how long was it till he passed by you again on his way back?

MARK: I would say about three and a half minutes.

DEFENSE ATTORNEY: And were you near the doorway to Mrs. McNeal’s room?

MARK: Not really, I was facing the other direction so I couldn’t see that way at all.

DEFENSE ATTORNEY: You’d have to be pretty sneaky though to sneak in an empty classroom without a person in the hallway turning around to notice. Thank you, Mark. Your honor, the defense rests its case.

THE HONORABLE JUDGE: Are there any closing statements?

PROSECUTING ATTORNEY: Your honor, we have shown that on October 10th, Mr. Stickyfingers was indeed outside of his classroom at the time that the lunch was stolen. Mr. Stickyfingers was seen eating out of a lunchbox at lunch that was later found discarded by the swings at recess. That SAME lunchbox was picked up and shown here with the initials V.K. written on it. Mr. Stickyfingers says that he was in a hurry. He was in a hurry to STEAL a school lunch! And this has been happening at least three times a week. It’s time to protect the hungry students at White Rock School and find Mr. Harry Stickyfingers GUILTY! (sits down)

DEFENSE ATTORNEY: Your honor, we have shown that Harry does indeed have the same lunchbox as Victoria. On that day, Harry misplaced his lunchbox. During the time that the lunchbox was stolen, Harry was busy in class and he had only left to see if he had a band lesson. Clearly these are not the behaviors of a criminal, but those of an honest, decent White Rock student who is just trying to learn at school.

THE HONORABLE JUDGE: Thank you. Does that conclude the evidence?

BOTH ATTORNEYS: Yes it does.
THE HONORABLE JUDGE (turns to jury): You have heard the evidence. Now it is your job to decide whether or not Harry is guilty of stealing lunchboxes at White Rock School. Please write your decision on your jury slip and hand it in.

(Jurors are dismissed to fill out their slips. OR the Jurors may meet and discuss the verdict, the judge will count the slips if they are used)

THE HONORABLE JUDGE: Have you reached a verdict?

JUROR: Yes we have, your honor.

THE HONORABLE JUDGE: What is the verdict?

JUROR: The jury has voted and determined that Mr. Harry Stickyfingers is INNOCENT/GUILTY of stealing lunchboxes from White Rock School.

*IF GUILTY* THE JUDGE READS PUNISHMENT

THE HONORABLE JUDGE: Thank you, jury (Comments to Harry). Court adjourned (HIT GAVEL).

Handout 8
MY TICKET OUT OF CLASS

Write down two things you learned today from the court case.

It is popular for Americans to say that anyone accused of a crime is “innocent until proven guilty”. Do you think this is fair? Why or why not?

______________________________________________________________
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Name:_________________________  Date:_________________________