

Rule of Law and Independent Judiciary

OBJECTIVE

Students learn what rule of law is and why it is important.

MATERIALS

Print out of the two hypothetical examples (page 3 of this lesson).

BACKGROUND

The original intent of public education was to prepare students to participate in our democratic society. In the past few decades, the focus of public education has turned sharply toward science, math and literacy as we seek to help students develop employable skills. The fact is, students need both: preparation to participate in the workforce and preparation to participate in society. Students need to know how our government and communities function, understand key issues and different perspectives, and be able to articulate their opinions with competence, respect and civility.

Research has shown that listening to civic leaders share their stories and viewpoints is an exceptional way to bring civics alive for students. According to a report commissioned by the American Bar Association Division for Public Education: “Civic education, especially when it is interactive and involves discussion of current issues, is an important way to develop the skills that young Americans need to succeed in the 21st Century workforce. Students who experience interactive discussion-based civic education (either by itself or in combination with lecture-based civic education) score the highest on ‘21st Century Competencies,’ including working with others (especially in diverse groups) and knowledge of economic and political processes.”

LESSON PLAN

Introduction (5 minutes)

Start your classroom presentation by introducing yourself so the students know more about you and what you do. Most importantly, we encourage you to share something personal, meaningful or important to you that illustrates why you choose to do the work you do. If students know the ‘why’ behind your job, it will impact them more than if you just share your job title.

You can also share why you chose to volunteer to come to their classroom. Why do you think it’s important for students to hear from civic leaders? What are the outcomes you are hoping for as a result of your visit? Were you nervous to come? Excited? What do you remember about your experience in school that might affect how to approach your classroom visit?

Warm-up discussion (5 minutes)

Start by sharing with students that you will be talking about what the rule of law is and the importance of an independent judiciary in the United States. Ask for volunteers to give a definition of the following three terms:

1. Rule of Law
2. Independent Judiciary
3. Impartial

Share the following definitions with the students and ask if they have any questions about the definitions:

1. **Rule of Law:** The following of regularized procedures when making decisions. The purpose of rule of law is to ensure that similar issues or problems are handled or resolved in similar ways to one another in order to promote fairness.
2. **Independent Judiciary:** An independent judiciary means a courts system that is not influenced or controlled by either the legislative or executive branch. It is free to make decisions based upon law or pressure from other groups.
3. **Impartial:** To be impartial means that you are not biased against or in favor of someone before hearing evidence and applying the law. To be impartial also means that you are not being improperly influenced when making a decision.

Activity (20 minutes)

Organize the students into groups of no more than five students. Give each group one of the two hypothetical examples. Once they are in their groups and have their example, tell the whole class: "So it turns out that your school has just adopted two new policies: one dealing with cell phones and one dealing with tardiness. Your job is to review the policy and as a group come up with answers to the discussion questions."

Give the students 10 minutes to work through their example and come up with answers. Then ask each group to share their answers, along with sharing any significant factors the group debated before reaching a unified answer.

If groups reached different conclusions for the same hypothetical policy, ask one group whether they considered the factors that the other group relied on for its decision and vice versa. Note that there can be times when different people or judges can come to different conclusions, which is why our judicial system allows people to appeal a lower court's decision to a higher court or even up to the U.S. Supreme Court.

Expert Presentation/Discussion (10 minutes)

Share your thoughts on the rule of law and the application of the law to specific facts. Specific ideas to cover might include:

- Is there room for interpretation of laws in particular cases?
- What are the social consequences when laws are interpreted differently in similar circumstances?
- What are the primary jobs of
 - Judges and courts (to interpret the law)?
 - Juries?
 - Attorneys?
- Why is it important for judges and courts to be impartial?

Reflection (5 minutes)

Ask students to write a short reflection on how they would change the hypothetical policy their group discussed so it could be more clear and applied more fairly? If there is extra time at the end of the class period, ask for volunteers to share their reflections.

Hypothetical Example #1:

Your school has adopted a new policy regarding cell phones. The policy states: “Use of cell phones shall be prohibited in school.”

Discussion questions:

1. If a teacher uses a cell phone, is that a violation of the policy?
2. Is it a violation if a student uses a cell phone:
 - a. In class for a presentation or school project?
 - b. During lunch?
 - c. Between classes?
 - d. In an emergency (like in a school lock-down situation)?
 - e. After school while waiting for a ride?

Hypothetical Example #2:

Your school has adopted a new policy regarding tardiness. The policy states: “Anyone tardy to class without a pass will get detention. Only administrators may excuse tardies.”

Discussion questions:

1. If a teacher is late to class, is that a violation of the policy?
2. Is it a violation if a student is tardy to class because he/she:
 - a. Had a bathroom emergency?
 - b. Was finishing a test in another class?
 - c. Was helping break up a fight?
 - d. Was being bullied (had a backpack taken, was prevented from going through the hall, etc.)?