

# Overview of Puttin' on the Robes

## Introduction

This simulation is designed to be very flexible. It is organized in easy-to-use sections, each of which can be done as a stand-alone activity. Also included is a timeline, a chart to help you assign students to roles, flowcharts of “How a Case Goes Through the Court System,” and samples of court forms with annotations (Tab #1), as well as courtroom arrangement diagrams (Tab #2). The simulation takes your students through the trial, appellate, and supreme-court levels of our court systems. The binder provides the forms you need in sample, blank-for-fill-in and interactive PDF format.<sup>1</sup> Cases 1 and 2 below are “venued” (take place) in the federal courts, and the mock trials are in state (California) courts. You can use either state or federal court whichever works best for you.

## Trials (Tab #2)

Everyone has a role: lawyer, judge, witness, bailiff, clerk, juror, artist and newspaper reporter. The binder has a Teacher’s Guide and Student Instructions; court and lawyer forms; trial scripts, jury instructions, and verdict forms, for three different trial ideas, as follows:

- 1 A classroom-/school-related happening called “Make Your Own Trial,” or “MYOT.”
- 2 *Hopwood v. Texas* (an actual case about affirmative action/reverse discrimination in law school admissions).
- 3 A mock criminal trial from the Constitutional Rights Foundation. CRF writes a fictitious criminal case each year. The case of *People vs. Brunetti* is included here, but you can buy additional cases through CRF’s website: [www.crf-usa.org](http://www.crf-usa.org) or through Social Studies School Service, [www.socialstudies.com](http://www.socialstudies.com).

## Appellate Level (Tab #3)

At this level, all your students (except for the nine Supreme Court justices) are either lawyers or circuit court judges. Circuit court judges hear cases in groups of three, hence the name “three-judge courts.” Some of your students will sit on these courts and hear two or three cases. The rest will be lawyers who will write briefs (using the format provided) and then argue them—either singly or in pairs—in front of one of those courts. You have three options for cases:<sup>2</sup>

- 1 **Case Packets:** The binder has 10 well-known court cases that focus on broad constitutional issues such as religion in schools, abortion, gender equality in college sports, flag-burning and gay rights. These cases focus mostly on First Amendment rights and the Equal Protection clause of the Fourteenth Amendment.
- 2 **CRF Packets:** The CRF materials consist of 10 fictitious criminal cases, each of which contains a constitutional rights argument. Excerpts from actual USSC and other court cases are provided (including case citations). The issues are topical (defendants making statements to the police, profile searches and the like), and focus on the criminal constitutional rights found in the Fourth, Fifth and Sixth Amendments, as well as on the First and Second Amendments.

<sup>1</sup> For PDFs go to our website at [www.cesqd.org/forum.html](http://www.cesqd.org/forum.html).

<sup>2</sup> The **CRF** and **Case Packets** can be found in Tab #5.

- 3 The third option is to buy the book *Constitutional Law* by Rich Kitchens (available through us). It contains all the facts and short excerpts from almost all the important USSC cases since the 1960s. It is organized by topic.

After the cases have been briefed and argued, the circuit courts render their opinions in writing, using the opinion format. Then it's time to head to the U. S. Supreme Court.

### **The United States Supreme Court (Tab #4)**

In this part of the simulation, nine students portray the actual sitting justices. Each attorney *who lost* at the appellate level files a "Petition for a Writ of Certiorari" (sur-shee-oh-RAH-rye), which is a request to the USSC to hear your case.<sup>3</sup> The nine Supreme Court justices get together (with you) and decide which cases to accept. The USSC then issues the writs to hear only those cases. The lawyers on those cases must re-brief their cases based on the original arguments, and also on what was written by the appellate court.

After the briefs have been filed, the arguments begin. The rest of the class listens to the arguments and also listens in while the justices discuss and debate their decision on each case. The justices then write their opinions. The opinions must bear some relation to what their chosen justice might decide.

### **Other Materials (Tab #5)**

This section contains the case materials, with instructions, sample student-written briefs and opinions, and assessment and evaluation tools and standards.

#### CASES AND SAMPLES

- The 10 case excerpts (**Case Packets**)
- The student-written sample briefs and opinions
- The 10 CRF constitutional arguments (**CRF Packets**)

#### ASSESSMENT TOOLS

For each level (trial, appellate and supreme-court) there are:

- Grade sheets – Teacher
  - Assessing: work product, performance, logs, summary of judicial process
  - Providing: grading rubrics for all roles and activities
- Self-grade (self-assessment) sheets
- An activity and learning evaluation

#### STANDARDS

- Center for Civic Education
- California<sup>4</sup>

<sup>3</sup> Or, you can just do the USSC level (see both sets of USSC instructions, Tab #4 for more details).

<sup>4</sup> Please go to our website, [www.cesqd.org](http://www.cesqd.org), and click on the "Civics Standards" button. If your state does not have a clickable link, send us an email ([questions@cesqd.org](mailto:questions@cesqd.org)) with your name, the name of your state and the grade you teach. We'll align "Puttin' on the Robe" to your state standards and email you when we're done. We'll also post the alignment on our website.