**Checklist/Table of Contents:** *The Judge and Facilitator Should Have All of These Documents*

**Civil Discourse and Difficult Decisions**

*Legal Skills as Life Skills*

1. **Background**
* **Program Description** – Advance Handout: For the Judge, Attorney Volunteers, and Teachers. **Exhibit A**
* **Audience Profile Form** – Advance Paperwork: For Teachers to Give Court Contact. *Facilitator should be aware of required courtroom decorum in this handout.* **Exhibit B**
* **Photo and Video Release Form.** *Must be filled out for all students.* **Exhibit C**
1. **Agendas**
* **Agenda/Case Specific –** *Find this in the Case Materials for the Particular Program*
* [Elonis v. U.S.](https://www.uscourts.gov/educational-resources/educational-activities/elonis-v-us)
* [New Jersey v. T.L.O.](https://www.uscourts.gov/educational-resources/educational-activities/new-jersey-v-tlo)
* [Texas v. Johnson](https://www.uscourts.gov/educational-resources/educational-activities/texas-v-johnson)
* [Tinker v. Des Moines](https://www.uscourts.gov/educational-resources/educational-activities/tinker-v-des-moines)
* **Agenda/Detailed –** Step-by-Step Guidance for Facilitator/Volunteers. **Exhibit D**
1. **Reality Check Quiz**
* **Reality Check Quiz** – Questions Blank: For All Participants. **Exhibit E**
* **Reality Check Quiz** – Answer Key: Only for the Judge. **Exhibit E-1**
1. **Civil Discourse Activity**
* **Civility Self-Reflection Sheet --** Activity Handout: All Participants **Exhibit F**
* **Civility Self-Reflection Sheet/Discussion Prompts** – Only for the Facilitator/Attorney Volunteer. **Exhibit F-1**
* **Setting Ground Rules for Civil Discourse** – Activity Handout: For All. **Exhibit G** Participants. **Example of Ground Rules** – For Facilitator Only. **Exhibit G-1**

**Resources in #5, #6, #7 are found on the website for the following cases:**

* **Intro to the Case*.* All Handouts are Case-Specific:** [Elonis](https://www.uscourts.gov/educational-resources/educational-activities/elonis-v-us); [TLO](https://www.uscourts.gov/educational-resources/educational-activities/new-jersey-v-tlo); [Texas v. Johnson](https://www.uscourts.gov/educational-resources/educational-activities/texas-v-johnson); [Tinker v. Des Moines](https://www.uscourts.gov/educational-resources/educational-activities/tinker-v-des-moines)
* **Facts and Case Summary** – Handout: For All Participants
* **Fictional Scenario** – Handout: For All Participants
1. **Student Attorney Preparation – All Case Specific:** [Elonis](https://www.uscourts.gov/educational-resources/educational-activities/elonis-v-us); [TLO](https://www.uscourts.gov/educational-resources/educational-activities/new-jersey-v-tlo); [Texas v. Johnson](https://www.uscourts.gov/educational-resources/educational-activities/texas-v-johnson); [Tinker v. Des Moines](https://www.uscourts.gov/educational-resources/educational-activities/tinker-v-des-moines)
* **Opening Protocol** – Handout: Only for Attorney Coaches and Student Attorneys
* **Talking Points** – Handout: Only for Attorney Coaches and Student Attorneys
1. **Student Juror Preparation – All Case Specific:** [Elonis](https://www.uscourts.gov/educational-resources/educational-activities/elonis-v-us); [TLO](https://www.uscourts.gov/educational-resources/educational-activities/new-jersey-v-tlo); [Texas v. Johnson](https://www.uscourts.gov/educational-resources/educational-activities/texas-v-johnson); [Tinker v. Des Moines](https://www.uscourts.gov/educational-resources/educational-activities/tinker-v-des-moines)
* **Arguments Worksheet** – Activity Handout for All Jurors.
* **Arguments Worksheet Answer Key** – Handout. Only for Adult Coaches for Jurors
* **Optional: Juror Questionnaire** – Activity Handout for All Jurors *(if time permits).*
1. **Evaluation**
* **Student Feedback Form** – Handout for Participants. **Exhibit H**
1. **Optional Courtroom Tour**
* Courtroom Roles and Responsibilities. **Exhibit I**

**Exhibit A:****Advance Handout** *Program Description for Judge, Attorney Volunteers, Teachers*

**Civil Discourse and Difficult Decisions**

*Legal Skills as Life Skills*

**Civil Discourse and Difficult Decisions** is a national initiative of the federal courts that brings high school and college students into federal courthouses for legal proceedings that stem from situations that law-abiding young people can find themselves. These court hearings (not mock trials) are realistic simulations that showcase jury deliberations in which all students and learning styles participate in civil discourse.

Proceedings are conducted in courtrooms presided over by federal judges who are assisted by volunteer attorneys, including members of local chapters of the Federal Bar Association. Although student attorneys argue the case, student jurors and their deliberations are at the centerpiece of the courtroom event.

**Learning Objectives – Benefits to Students**

Students leave these three-hour programs with sharpened tools for civil discourse and decision making and a heightened awareness of situations they may not realize can have legal and long-term consequences. They also experience the differences between media portrayals of the court system and what happens in real life. Participants interact with the human face of the justice system – judges, attorneys, and other professionals – and their courtroom experience motivates them to serve willingly on juries when called.

**Roles and Resources**

The roles for the adults are presiding judge and volunteer attorneys who coach the student attorneys and work with the student jurors. Each role has an online folder with detailed guidance. The program facilitator manages the courtroom program and guides the jury deliberations. The judge presides over the simulation and talks with the students in the courtroom after the event.

* **Volunteer Attorney Coaches Who Work with the Two Student Attorney Teams** *(one volunteer per team or two per team, according to local preference)* They present the case information and prepare the student attorneys. Eight student attorneys – four on each side – present oral arguments before the judge and jury.
* **Volunteer Attorneys Who Work with the Student Jurors** *(one or two, according to**local preference)*They prepare the jurors for the centerpiece of the program – analyzing all sides of the issues during jury deliberations. All students who are not attorneys serve as jurors.

**What Happens in the Courtroom Program?**

**1. Reality Check Quiz and Civility Self Reflection Sheet**

Students start by taking an attention-getting Reality Check Quiz that tests their knowledge of situations that can put them in legal jeopardy. At the end of the program, they discuss the issues with the host judge and leave with insights that have practical applications in their lives. As part of the program icebreaker, they also fill out a civility self-reflection sheet on how they measure up in using civil discourse skills.

**2. Civil Discourse Skill Building**

This activity has two parts: 1) Students discuss their own civil discourse attitudes, behaviors, and language. 2) Students establish their own ground rules and group norms for civil discussion.

**3. Courtroom Simulation**

Student jurors are featured in the program as they decide a contemporary Supreme Court case that is modified with a fictional scenario that is applied to their lives. The jurors base their verdict on arguments made by the student attorneys. Not a mock trial, this abbreviated hearing helps participants differentiate between what they see in the media and what they experience in a real courtroom.

**4. Reality Check Discussion**

The program concludes with a candid conversation with the host judge about the real-life scenarios in the Reality Check Quiz that can have legal and long-term consequences.

**Time Commitment**

**Judge and Lawyers:** Spend 30**-**45 minutes reading the courtroom-ready program materials; participate in one orientation meeting with the Judge; and commit 2.5 hours to 3 hours to the courtroom event.

**Teachers’ Time Commitment:** No classroom preparation or pre-reading for the students or teachers.

**Courtroom Program:** An average of three hours for the students – from orientation to adjournment.

**Exhibit B***:* **Teachers’****Advance Paperwork.**  *Audience Profile and Expectations at Federal Courts*

**Must be Submitted to the Court Contact Prior to the Event**

**Court Contact** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***E-mail this form to Court Contact at*** *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deadline \_\_\_\_\_\_\_\_\_\_*

*Contact’s Office Phone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Court Contact’s Cell Phone*

**Event Day and Date** \_\_\_\_\_\_\_\_\_\_\_\_\_**Arrival Time at Courthouse \_\_\_\_\_\_ Departure Time**\_\_\_\_\_\_\_\_

**Lead Contact Teacher** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Cell** \_\_\_\_\_\_\_\_\_\_\_\_ **e-mail** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**School \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Number of Students** **\_\_\_\_\_ Number of Adults \_\_\_\_**

**Grade Level(s) \_\_\_\_\_\_\_\_\_\_\_\_ Related Class They are Taking \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Disabilities that Require Accommodation \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Transportation to Be Used \_\_\_\_\_\_\_\_\_\_\_\_Arrival Entrance at the Courthouse \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Day-of-Event Contact(s)** *Please List Two People.*

**1. Lead Contact Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*(Person in charge who will be on the bus and with the group on the day of the event.)*

**2. Contact Name at the School/Organization\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell \_\_\_\_\_\_\_\_\_**

*(Person at the organization that day who can be contacted in case of emergencies)*

**IN ADVANCE**

**Required:** Schools are responsible for collecting school-required permission slips in advance of the field trip. Schools also are required to present photo/video waivers to the court contact before the event.

**Do all participants have waivers for photos/videos on file at the school? Yes \_\_\_\_\_ No \_\_\_\_\_**

Schools are to identify students who do not have photo/video waivers. This can be done with a sticker or other identifier that the students wear at the event so that they are not inadvertently photographed. A group photo of interested students without waivers can be taken separately by a teacher.

**Teachers, school staff, and chaperones are responsible for managing student behavior at the courthouse. They agree that the students will:**

* *Be dressed appropriately for court before leaving the school.*
* *No backpacks or large purses.*
* *Provide the teacher with the signed waivers for photos and videos.*
* *Observe court decorum while at the courthouse.*
* *Arrive at the courthouse 30 minutes before the program start time to go through security.*
* *Bring a pen or pencil.*
* *Fill out the program feedback form and submit it before leaving the courtroom.*
* *Make sure that the courtroom is cleared of all paper and belongings.*

**Exhibit C:**Advance Handout for Teachers to Bring to Court -- *Photo, Video, Audio Waiver*

**Administrative Office of the U.S. Courts**

Consent and Release for Informational and Educational Use

of Still Images, Video, and Audio Recordings

I consent to having photographs/video/audio recordings taken of me for use by the Administrative Office of the U.S. Courts (AO) for educational and informational purposes. I understand that:

* These images and audio recordings, in whole or in part, may be used in or combined with other AO educational and informational programs, and
* These images and audio recordings may be disseminated to the public by various means, including on the Internet.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Print Name**

**Date \_\_\_\_\_\_\_\_\_\_\_\_**

***If Under 18, an adult must also sign the form.***

**Signature**

**Print Name**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Relationship to Person Under 18**

**Date** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Notes**

**Go to Case-Specific Program Agenda:** *(Elonis; TLO; Texas v. Johnson; Tinker v. Des Moines) Courtroom Handout for All*

**Exhibit D:** *Detailed Agenda -- Guidance for the Judge, Facilitator, Attorney Volunteers*

**Civil Discourse and Difficult Decisions**

*Legal Skills as Life Skills*

**Key Responsibilities of the Facilitator**

* Make sure that your folder contains everything listed in the checklist/table of contents.
* Keep the program moving.
* Manage and adjust the timing of the program elements, as necessary.
* Involve as many students as possible. Don’t hesitate to call on students who don’t raise their hand. Read facial expressions, body language, and note side conversations to draw in students.

**I. WARM UP**

*(25minutes)* **Students Arrive, Go Through Security, and Settle in the Courtroom**

 **Facilitator:** While waiting in the courtroom, have students take complete the two handouts:

1. **Reality Check Quiz**

Reality Check Answer Keyis for the Judge Only

1. **Civility Self Reflection Sheet**

*(10 minutes)* **Facilitator Welcomes Group and Explains Program**

*(30 minutes)* **All Volunteer Attorney Coaches Introduce Themselves** *(1 minute each)*

The coaches introduce themselves by telling: *Why I Chose the Law.*

This is an opportunity to tell students your “heart” reason.

**Facilitator or Another Attorney Leads the Civil Discourse Activity Using the Following Handouts:**

* **Discussion:** *Civility Self Reflection Discussion Prompts (Exhibit B-1)*
* **Activity**: *Setting Civil Discourse Ground Rules (Exhibit D)*

**Questions to Stimulate Discussion About Ground Rules**

**Effective Discussion Starter**: What are some of your pet peeves when you’re having a contentious conversation with someone? What do people do that gets on your nerves? What ground rules might address your pet peeves?

* + - How do nonverbal cues (rolling your eyes, sighing, etc.) have an impact on the climate of civility? How would you phrase a ground rule for that?
		- Why are side conversations inappropriate? How could this be addressed in a ground rule?
		- What ground rules would encourage positive behavior and not just condemn bad behavior?
		- Is listening a form of participation? What is active listening?

**II. PREPARATION FOR THE COURTROOM SIMULATION**

*(10 minutes)* **Attorney Coaches #1 and #2 Present**

Attorney #1 Tells the Story of the **Facts and Case Summary**

 Attorney #2 Tells the Story of the **Fictional Scenario**

**Attorney Coaches:** Use a simple, storytelling style. The students have the s, so it is preferable not to read to them. See the students as jurors – not as law school students, or CLE participants. Choose one or two clean, primary issues in the Supreme Court case and apply them to the fictional scenario. Don’t get into exceptions, nuances, or complexities. The limited amount of time will help you zero in on the key points. Avoid a lecture style. Ask questions and encourage the students’ questions.

*(25 minutes)* **Student Attorneys and Student Jurors Prepare for the Simulation**

**Note to the Facilitator:**The student attorneys and their coaches leave the courtroom to prepare. To maintain order, have the student jurors remain seated until the attorney teams exit. Jurors move to the front rows of the audience section.

**Attorney Coaches Take the Teams to Two Nearby Rooms.**

Each team goes with its coach to separate practice rooms – one for each team -- where they read and talk through the handouts. **First order of business**: Go through the folders and make sure that they contain the following:

* Opening Protocol
* Talking Points

**Go over the materials with you team in this order:**

1. Talking Points
2. Closing Arguments
3. Opening Protocol, just before they go to the courtroom.

**Tips for Preparing the Student Attorneys: What to Do in the Practice Room**

1. Have all the student attorneys on the same team read out loud the three **questions (only)** in the **Talking Points** **Handout.** Students may use it any combination of the following when presenting to the Judge and jury:
* Read the fully scripted talking points as they are.
* Use selected content from the talking points and add their own arguments.
* Develop their own arguments that might include key points from the script.
1. The first read-through makes them just familiar enough with the questions to be able to choose the one they want to present.
2. Now, have the students volunteer for the student attorney roles for questions #1, #2, #3.
3. Give the student attorneys time to read, underline, and make notes on their copies. They will have questions for the coaches.
4. Prepare them for the Judge’s questions. In court, after each student attorney presents, the Judge will ask questions of the presenter. Give examples of questions the Judge might ask and reassure them that the judge wants them to succeed and to look good in front of their peers in the courtroom. The Judge won’t ask trick questions or try to embarrass them. In fact, the Judge will help them if they get stuck.
5. Have the students talk about how they might anticipate and respond to the Judge’s questions.
6. Talk about what to do if they can’t answer a question from the Judge.
7. End the preparation session by having them read out loud and practice the **Opening Protocol**

before they go back to the courtroom*.*

*(Same 25 minutes)* **Tips for Preparing the Student Jurors: What to Do in the Courtroom**

Jurors stay in the courtroom with the two attorney volunteers who are the jury coaches. The jurors’ task is issue spotting – identifying the issues and discussing possible arguments that will come up in the hearing. This segment also is a practice time for the civil discourse skills they have learned.

 **Attorneys have students form two, random (but roughly equal) groups.**

1. **Guide the student jurors through the** **Arguments Worksheet** **for Jurors.**
* The coach may ask them to start by talking with their neighbor, then in groups of four, then with the large group.
* Coaches may use the Socratic Method to draw out more comments.
1. **If there is time, have the students fill out the** **Juror Questionnaire**. Talk with them about jury service and the importance of civility in jury deliberations. Here are some discussion questions to stimulate conversation about what can happen during jury deliberations that might require civil discourse skills.
2. **Discussion Questions: What Would You Do?**
	* + What can you say to keep the conversation civil if someone’s comment is insulting or untrue?
		+ What can you say if someone’s nonverbal cues are disrespectful?
		+ What can you say if someone is engaging in a distracting side conversation?
		+ What can you say to keep the conversation positive when it gets tense?
		+ What can you say and do to show respect for someone’s statements and opinions?

If you agree with them? If you disagree with them?

*(5 minutes)* **Stretch Break in Courtroom.** Student attorneys may use this time to continue their preparation.

**III. COURTROOM SIMULATION**

**Judge Takes the Bench**

*(Total 60 minutes)* **Courtroom Simulation**

*(~30 minutes)* **Student Attorneys Present Before the Judge and Jury**

They use the scripted **Opening Protocol** and semi-scripted**Talking Points.**

*(~30 minutes)* **After the Arguments, Jury Deliberations are Conducted in the Courtroom. Only Jurors Participate. All others observe.**

**Tips for Facilitating Jury Deliberations: Give Everyone an Opportunity to Speak**

* The facilitator guides student jurors in the deliberations to ensure that everyone has the opportunity to speak. The facilitator also helps enforce the civil discourse rules.
* During deliberations, the Judge remains seated on the bench and all student attorneys and attorney coaches remain seated at the counsel tables. Only the student jurors may participate in the deliberations and jurors may not ask questions of anyone in the well.
* The facilitator has student jurors form two groups. Student jurors initially favoring one side sit in the gallery behind that counsel table. Those initially favoring the other side sit in the gallery behind that counsel table. Stress that this is not a commitment. It is a straw poll.
* Student jurors sit down while in each section, however, they stand to express their opinions – and they must use a microphone (even if they prefer not to) so that the Judge and everyone (of varying hearing abilities) can hear all comments.

**Logistics.** As the deliberations progress, students stand up and move between the section behind one party and the section behind the other party in the gallery as their opinions change in response to points made by fellow jurors.

**Expectations.** Set the expectation that students will move back and forth throughout the discussion. Frequently create that opportunity and use it as an example of the courage required to go against the crowd.

**Involve Everyone.** Call on as many students as possible, not just those who raise their hand. The techniques below, and others, can encourage all students to speak. Read the students’ body language and give them an opportunity to share their thoughts, reassuring them that all views are valid.

**Here are examples of questions and comments that can keep the deliberations interactive.** These questions are not designed to be sequential. They can be peppered in any order throughout the deliberations after a student juror makes a statement.

* I can see that people are very animated about what was just said? Who else wants to speak up in support of the argument? Who has an argument on the other side?
* Let’s get everyone involved. Raise your hand if you disagree with the argument that was just made. How many of you want to explain your position?
* On the other side, what aspect of that argument do you agree with?
* Hmm, you look like you have an opinion. You’ve just heard the argument, what is faulty about it?
* Who agrees with that statement? Let’s hear from two people who will tell us why that’s valid.
* Who is unsure about your position? If you are in between the two positions, come stand in the center aisle between them. Let’s hear a round of applause. Tell us what you are thinking.
* Who has unanswered questions – on either side? Let’s make a list of them. Now, I’ll give each side the opportunity to respond to the open issues.
* It’s time to show that you have courage and an open mind. Everyone who needs to move to the other side of the argument, should do so now. Let’s give them a round of applause.
* What persuaded you to change your mind and move to the other side? How difficult was it to go public with your change of mind? Another round of applause, please.
* After considering all the arguments, who feels even stronger about your original position and is staying where you are? What arguments made you question your strong opinion?

**When the time expires, the facilitator closes deliberations and returns program to the Judge.**

**Judge Asks for a Show-of-Hands Verdict.**  The facilitator counts the hands. Due to time constraints, it’s not unanimous. If there is time, the Judge asks one student juror from each side to explain his/her side’s rationale. The judge congratulates the student attorneys and student jurors.

**IV. WRAP UP The Judge Enters the Well**

*(Total 45 min)* **Reality Check Discussion Using Answer Key**

**Facilitated by the Judge/Probation Officer:** Instead of going through the situations in numerical order, have students select the situations that are of interest to them first. There may not be time to go through all scenarios.

**Open Floor Q/A Session on Any Topics with Judge and Attorney Volunteers**

**Students Fill Out Feedback Forms**

*Must be collected before group photo.*

**Group Photo**

**Adjournment**

**Exhibit E:** *Quiz Questions for Participants to Fill Out as They Wait for the Program to Start*

**Reality Check Quiz: Sometimes There Are No Do-Overs**

*Today’s Decisions Can Have Legal and Long-Term Consequences*

1. Because I’m 18, if I’m convicted of a federal crime, a lot of factors come into play and it won’t, necessarily, have an impact on the rest of my life. **True False**

1. My parents know that my friends and I are going to drink, and they want to keep us off the road, so they buy the beer and we get together at our house, where my parents can keep an eye on us. If the party gets busted, anyone who is underage is breaking the law, but my parents won’t get charged. Of course, they’re over the legal age and they won’t be drinking because they are driving some kids home. **True False**
2. My friends and I have been driving for two years. One of my friends has never been caught speeding and she’s never had an accident. But she’s got a lot of unpaid parking tickets stuffed in her glove compartment. I keep telling her that if she ever gets stopped, they could take her license. **True False**

1. When I go to a bar, I use the fake I.D. I bought it on the Internet. I’ve heard that the site could be part of a national ring, but I’m not going to get caught. Besides, if I do, the worst that will happen is that they’ll take my I.D. and kick me out of the bar. **True False**
2. If I’m hiking in Colorado, where pot is legal, and my friends bring some back to our home state where it’s not legal, they could end up in federal court, if they’re caught with it. **True False**
3. I order nutritional supplements off the Internet that I get in the mail. I use them to improve my athletic performance. I need every edge I can get to win a college scholarship. These are pharmaceuticals and not illegal drugs that I’m getting from some street dealer, so I’m okay.

**True False**

1. If I ever did get convicted of something in federal court, because of my age, I’d get probation. My older brother says that means I might not be able to travel with my tennis team. **True False**
2. My buddies on the football team were joking around in the locker room after a big win. One of the guys popped open a bottle of sparkling cider that looked like champagne. He dropped his towel while he was guzzling from the bottle on his way into the shower. It was hysterical so, when he turned his back, I captured some video on my phone. I sent it to the other guys on the team who weren't in the showers at the time. I thought it was a harmless moment that we'll laugh about at our high school reunion, some day. The coach says we could be in big trouble. **True False**
3. My classmates and I were sitting in first period when our teacher was called to the office for an emergency. Before he left, we noticed that he was in the middle of posting an announcement on the class website. We thought it would be funny to change the message and post it. I kept watch while my friends posted a music video and a message that our class will be cancelled next week. I figured he’d have a good laugh and just delete it later. **True False**
4. A friend of mine was a witness to a car wreck and now she has to testify before a grand jury. She’s not sure that she’s willing to tell the whole truth because it implicates her and could jeopardize her scholarship. The details are not that important because she’s not the one on trial. Since the proceedings aren’t in court, the standard of “telling the truth, the whole truth, and nothing but the truth” doesn’t apply. T**rue False**

**Exhibit E-1:** *Quiz Answer Key and Discussion Prompts for the Judge or Discussion Leader*

**Reality Check: Sometimes There Are No Do-Overs**

*Today’s Decisions Can Have Legal and Long-Term Consequences*

1. Because I’m 18, if I’m convicted of a federal crime, a lot of factors come into play and it won’t, necessarily, have an impact on the rest of my life.

**FALSE**

A felony conviction affects many important civil rights: You lose the right to vote, the right to hold public office, the right to serve on a jury, and the right to possess any type of firearm. In addition, if you are not a U.S. citizen, you may be subject to deportation or exclusion from the United States. A conviction can affect your ability to become a U.S. citizen. There are also collateral consequences that can affect your driving privileges and certain employment and business opportunities. You can be barred from professional licenses in nursing, transportation or teaching. You can be denied access to government benefits, student loans, or public housing.

1. My parents know that my friends and I are going to drink, and they want to keep us off the road, so they buy the beer and we get together at our house, where my parents can keep an eye on us. If the party gets busted, anyone who is underage is breaking the law, but my parents won’t get charged. Of course, they’re over the legal age and they won’t be drinking because they are driving some kids home.

**FALSE**

Parents may be charged with a criminal offense, for example, contributing to the delinquency of a minor or hosting an “open house” party.

1. My friends and I have been driving for two years. One of my friends has never been caught speeding and she’s never had an accident. But she’s got a lot of unpaid parking tickets stuffed in her glove compartment. I keep telling her that if she ever gets stopped, they could take her license.

 **TRUE**

Her license may be suspended until the tickets are paid, and her car may be impounded.

1. When I go to a bar, I use the fake I.D. I bought it on the Internet. I’ve heard that the site could be part of a national ring, but I’m not going to get caught. Besides, if I do, the worst that will happen is that they’ll take my I.D. and kick me out of the bar.

**FALSE**

Possession of a fake ID is a third-degree felony in some states. Use of another person’s identifying information is a federal offense of aggravated identity theft that may carry 24 months in federal prison.

1. If I’m hiking in Colorado, where pot is legal, and my friends bring some back to our home state where it’s not legal, they could end up in federal court, if they’re caught with it.

**TRUE**

The federal government and most states prohibit the possession of marijuana. Transporting marijuana across state lines is a federal offense.

1. I order nutritional supplements off the Internet that I get in the mail. I use them to improve my athletic performance. I need every edge I can get to win a college scholarship. These are pharmaceuticals and not illegal drugs that I’m getting from some street dealer, so I’m okay.

**FALSE**

The distribution and transport of a controlled substance is a serious criminal offense. Depending on the quantity of the controlled substance, there may be mandatory minimum penalties that can be imposed. A controlled substance includes any anabolic steroid, narcotic, hallucinogenic, stimulant or depressant drug.

1. If I ever did get convicted of something in federal court, because of my age, I’d get probation. My older brother says that means I might not be able to travel with my tennis team.

**TRUE**

For most federal offenses, probation or supervised release is mandatory and limits your ability to travel, restricts employment opportunities. Supervision is conducted on a weekly basis and may be conducted over the course of several years.

1. My buddies on the football team were joking around in the locker room after a big win. One of the guys popped open a bottle of sparkling cider that looked like champagne. He dropped his towel while he was guzzling from the bottle on his way into the shower. It was hysterical so, when he turned his back, I captured some video on my phone. I sent it to the other guys on the team who weren't in the showers at the time. I thought it was a harmless moment that we'll laugh about at our high school reunion, some day. The coach says we could be in big trouble.

**TRUE**It is a serious federal crime to create or distribute child pornography, which would include pictures like this. Even though it was consensual and done as a joke, it’s still a crime.

1. My classmates and I were sitting in first period when our teacher was called to the office for an emergency. Before he left, we noticed that he was in the middle of posting an announcement on the class website. We thought it would be funny to change the message and post it. I kept watch while my friends posted a music video and a message that our class will be cancelled next week. I figured he’d have a good laugh and just delete it later.

**FALSE**

Accessing the computer of a school or a business is illegal hacking. As the lookout, you are still in trouble. Helping someone else commit a crime is called aiding and abetting. Legally, you are considered just as responsible as the person who did it.

1. A friend of mine was a witness to a car wreck and now she has to testify before a grand jury. She’s not sure that she’s willing to tell the whole truth because it implicates her and could jeopardize her scholarship. The details are not that important because she’s not the one on trial. Since the proceedings aren’t in court, the standard of “telling the truth, the whole truth, and nothing but the truth” doesn’t apply.

**FALSE**

Lying while under oath may result in a federal conviction for false declarations before a grand jury, otherwise known as perjury, which carries with it a maximum penalty of up to five years imprisonment.

**Exhibit F:** *Civility Self-Reflection Tool*

**Civil Discourse and Difficult Decisions**

*Students Fill Out This Quiz While Waiting for the Program to Start*

**Instructions:** Circle the option that best applies to you when you are with your peers.

**1. When a conversation gets heated, I contribute to the conversation.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**2. When peers disagree about an issue, I remain silent.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**3. I take an active role in creating a welcoming environment for differing opinions.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**4. I give my peers eye contact and my full attention when they speak, even when I disagree.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**5. When I disagree with someone, I keep an open mind and, momentarily, put aside what I plan to say next.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**6. I can’t control others’ behavior or opinions, so I focus on my own actions and civility.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**7. When I’m speaking, sometimes, I use silence to get the attention of others.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**8. I speak respectfully to people with whom I disagree, even if they disrespect me.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**9. I ask clarifying questions.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**10. I am careful not to take over a conversation by talking longer than others**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**11. When I get excited, I interrupt the person speaking.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**12. I have side conversations that distract the person I’m talking with – and others -- from the person who has the floor.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**13. I listen for what people mean – not just what they say -- when I disagree with them.** Very Frequently • Frequently • Occasionally • Rarely • Never

**14. When peers disagree, I find common ground and call attention to areas of agreement.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**15. Sometimes I tune out, then realize I’ve repeated something that already has been said.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**16. I roll my eyes or make subtle faces when I disagree with someone’s opinion.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

**Exhibit F-1:** *Civility Self-Reflection -- Discussion Prompts for Volunteer to Draw Out Students*

**Civil Discourse and Difficult Decisions**

Self-Reflection Tool: Discussion Starter

**Instructions:** Circle the option that best applies to you when you are with your peers.

**1. When a conversation gets heated, I contribute to the conversation.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***Would people say you, typically, are an inflamer, an informer, an inquirer, an influencer, a good listener, a comedian? What other roles do people take in heated conversations?***

**2. When peers disagree about an issue, I remain silent.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***Why do you tend to remain silent? Can that be a good thing? What makes you comfortable enough to speak?***

**3. I take an active role in creating a welcoming environment for differing opinions.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***What do you say and do?***

**4. I give my peers eye contact and my full attention when they speak, even when I disagree.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***When people are really listening to you, what difference does that behavior make to you? What difference does it make in the conversation?***

**5. When I disagree with someone, I keep an open mind and, momentarily, put aside what I plan to say next.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***What do you say to yourself so that you really listen, not just wait for your turn to speak?***

**6. I can’t control others’ behavior or opinions, so I focus on my own actions and civility.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***What does that mean? How does it work?***

**7. When I’m speaking, sometimes, I use silence to get the attention of others.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***How do you use silence? How effective is it?***

**8. I speak respectfully to people with whom I disagree, even if they disrespect me.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***Why? Give an example of what you can say or do/not do when someone is disrespectful to you.***

**9. I ask clarifying questions.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***Give examples of clarifying questions.***

**10. I am careful not to take over a conversation by talking longer than others**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***What limits do you put on yourself to keep from talking too much? On the other hand, what do you do/say when you can’t get a word in edgewise?***

**11. When I get excited, I interrupt the person speaking.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***When you feel strongly about a subject, how do you monitor yourself so that you don’t interrupt?***

**12. I have side conversations that distract the person I’m talking with – and others -- from the person who has the floor.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***How do you feel when someone is whispering while you’re talking, even when they’re trying not to be disruptive?***

**13. I listen for what people mean – not just what they say -- when I disagree with them.** Very Frequently • Frequently • Occasionally • Rarely • Never

***What do people do/say when they are listening just to the words? What do they do/say when they are listening for what the person means?***

**14. When peers disagree, I find common ground and call attention to areas of agreement.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***What are some phrases you can use to bridge the gap when you are trying to find common ground?***

**15. Sometimes I tune out, then realize I’ve repeated something that already has been said.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***How do you feel when someone repeats a point that already has been made?***

**16. I roll my eyes or make subtle faces when I disagree with someone’s opinion.**

• Very Frequently • Frequently • Occasionally • Rarely • Never

***How do nonverbals detract from the civility of the conversation, even when the speaker doesn’t see you rolling your eyes or making faces?***

**Exhibit G:** *Handout for Setting Ground Rules –for Use by All Participants and the Facilitator*

**Civil Discourse and Difficult Decisions**

*Setting Ground Rules for a Civil Discussion*

In courtrooms, it’s not the loudest voice that prevails. Opposing arguments are grounded in reason and evidence and they are put forward within strict guidelines for courtroom decorum. Each side tests the arguments of the other side, and a judge holds everyone to the same protocol and standards of appropriate behavior. Asking questions of each side is an integral part of the process. The adversarial system is no place for incivility. In fact, court proceedings are set up to promote effective civil discourse.

**Put an X next to the actions and attitudes that are most important to you.**

**1. Be mindful of your own behavior**. Notice how you internally are reacting/responding when others speak. Pay attention to how your words and your silence are impacting the experience for others in the group.

**What are you doing to create a welcoming environment for differing** **opinions?** Are you looking at each speaker and giving your full attention? Are you listening with an open mind – momentarily putting aside what you will say next?

Are you asking clarifying questions? Are you being careful not to take over the conversation by talking longer than others? Are you refraining from subtle, but disrespectful behavior or not paying attention when others speak?

**2.**  **Wait** to be recognized by the moderator before speaking. This allows time – before you speak -- for reflection on what the previous speaker(s) have said.

**3. Don’t interrupt** or talk over someone else who is speaking, even when you are excited.

**4. No side conversations.** They are disrespectful to the speaker and distract listeners from the person who has the floor.

**5. Listen for content** inthe statements of others, especially when you disagree. Listen for what the speakers are trying to communicate, even if they aren’t expressing their points concisely.

**6. Find common ground.** Identify and call attention to areas of agreement.

**7. Follow the direction** **of the discussion.**  Don’t repeat what already has been said. **Relate** your comments to those of previous speakers.

**8. Ask questions.** Don’t assume that you know what someone else means**.** Ask the speaker to help you understand perspectives different from your own.

**9. Don’t embarrass yourself or disrespect others by making** demeaning or inappropriate comments, facial expressions, or gestures. No eye rolling, sighing, or checking out of the conversation.

**10. Differentiate between facts and opinions**. Both are valid when expressed appropriately.

**WHAT WOULD YOU ADD?**

**Exhibit G-1:** *Example of Student-Developed Civility Rules*

**Civil Discourse and Difficult Decisions**

The Facilitator Can Use This List as a Reference to Prompt Student Responses

**How to engage in civil discourse:**

**1.** Tell the truth, the whole truth, and nothing but the truth.

**2.** Moderate your tone, so that you don’t sound aggressive.

**3.** Be conscious and mindful of your facial expressions.

**4.** Be attentive and considerate of your opponent’s point of view:

* Process what is being said
* Give equal time to opposing opinions.

**5.** Don’t repeat yourself. Use a variety of evidence.

**How to interact respectfully with someone who fails to follow the agreed-upon rules:**

**1.** Respectfully ask for evidence that supports the statements made.

**2.** Stay calm and consider taking a break from the conversation.

**3.** Tell your opponent that you don’t know how to interpret his/her facial expression.

* Ask for help in understanding what they mean.

**4.** Ask for equal time, using a polite tone: “May I finish my point?”

**5.** Express understanding: “I understand,” or “I hear you."

**Exhibit H**: *Student Feedback Form to Be Turned in Before the Group Photo and Adjournment*

**Name** \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date \_\_\_\_\_\_\_\_\_\_**

 *(first) (last)*

**School \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Year You’ll Graduate \_\_\_\_\_\_**

**Career Aspirations \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**1. Setting.** What was it like having the program in a real courtroom?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**2. Judge.** What was it like having a judge preside?

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**3. Adult Attorneys.** What were the differences between the real attorneys and those on TV?

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**4. Jury Deliberations:** What were the judicial deliberations like for you? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**5. Future Jury Service:** How do you feel about serving on a real jury after this event?

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**6. What did you learn from anything in the program that you can apply in your life?**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**7. How would you rate your civil discourse skills during the program?**

*Poor Good Very Good Excellent*

**8. What civility skill will you practice after today’s experience?**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**9. What did you learn from the host judge during the Q/A session?**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. **What will you tell your friends about this experience? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Exhibit I:** *Guidance for the Facilitator Giving the Optional Courtroom Tour*

**Optional Program Icebreaker – Courtroom Tour** *(~5 minutes)*

Roles and Responsibilities

A good attention getter is a verbal courtroom tour that involves the participants by having them sit in designated places around the courtroom for the brief duration of the tour.

The activity demonstrates that the program is interactive. It gets students moving around and acclimated quickly and helps them visualize themselves working in the courts.

The facilitator asks the following questions. Students raise their hand, and a teacher selects volunteer students because he/she knows who will act appropriately. The facilitator directs students to the different places in the courtroom where they sit for the duration of the tour.

* **Courtroom Deputy:** Who is really organized and maintains a schedule or a calendar?
* **Court Reporter**: Who is a fast texter?
* **Court Interpreter:** Who speaks another language *(2 students)*
* **Bailiff**: Who is a peacemaker?
* **Attorneys: Who would like to present arguments to the Court but doesn’t want to volunteer to be a presenter in the full program today? You just want to know what it’s like to sit at the counsel tables.**
* For the Government? (*4 students*)
* For the Defendant? (*4 students)*
* **Jurors:** Who is fair minded? *Fill up the jury box.*
* **Jury Foreperson**: Who likes to be a spokesperson for a group?