

Lesson 5

Introduction to Chief Justice[®]



Key Terms

Chief Justice
cross examine
deliberations
forum
judge
jury
jury foreman
law firm
opening statements
trials
verdict

What You Will Learn to Do

- Explore the Chief Justice[®] process for debating constitutional and contemporary issue

Linked Core Abilities

- Do your share as a good citizen in your school, community, country, and the world
- Apply critical thinking techniques

Skills and Knowledge You Will Gain Along the Way

- Examine the purpose of the Chief Justice[®] game
- Explore the rules of the Chief Justice[®] game
- Identify how to render a verdict in a case
- Define key words contained in this lesson

Introduction

Chief Justice® is an educational game designed to give the cadets an appreciation of the United States Constitution and of our democratic form of government. The complete game contains 100 critical thinking questions that incorporate today's most important moral and ethical issues. The following five questions have been selected to be used by the U.S. Army Junior ROTC program for their curriculum.

- **Should The Ten Commandments be posted in classrooms in all public elementary and secondary schools?**
- **Should public school students be allowed to voluntarily participate in prayer before school sponsored sporting events?**
- **Should the news media be allowed to disclose the name of a felony suspect before a trial?**
- **Should post-conviction DNA testing be a right granted upon request to all inmates in state and federal prison?**
- **Should rap groups be allowed to include lyrics in their music, which advocate physical violence against law enforcement officers?**

NOTE

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Chief Justice®

Chief Justice® is a game designed to engage the participants in a variety of debates on constitutional and contemporary issues. The purpose of the game is to:

- **Design a *forum* within which people, who hold opinions about various constitutional and contemporary issues, can come together and discuss those issues in an organized and effective manner.**
- **Encourage each participant to give careful thought and consideration to his or her own views affecting our society and to express those thoughts in a meaningful and contemplative way.**
- **Create a game in which each participant is motivated to learn and appreciate the United States Constitution.**
- **Discover new ways of looking at constitutional issues and learn from other participants who may be able to share new insights on these issues.**
- **Introduce a game that requires each player to use critical thinking skills.**
- **Entertain the participants while at the same time create an environment for learning.**

Key Note Term

forum—a place or opportunity for open discussion and participation

- Create a purpose for the players to extensively research their topics by using various search engines on the Internet.
- Provide a forum in which players can develop their public speaking skills in a debate format.
- Provide a forum that teaches ethics and values by using the United States Constitution as a moral compass.
- Provide an opportunity for cooperative learning to take place.

Game Contents

Nearly all games have various pieces for the players to use. Chief Justice® is no exception. This game contains:

- A game poster depicting the U.S. Supreme Court with six steps leading up to the court house. Each step is labeled and represents a career path for an aspiring law student from law school to the top step of Supreme Court and ultimately Chief Justice of the United States.
- A list of one hundred game questions for one hundred courtroom trials to be held in a classroom setting focusing on various constitutional and contemporary issues. (Five questions are available to Army JROTC at this time.)
- A supply of colored marker pins to identify where various teams are on the game poster during the course of the game. (Not available to Army JROTC at this time.)
- A copy of the U.S. Constitution.
- Game instructions and a suggested lesson plan for playing Chief Justice® in your class.
- A rubric to inform cadets as to the method of grading to be used and a guideline for the teacher to determine how to measure the cadets' performance and to issue an appropriate grade.

Rules of the Game

Game rules are important. Without rules, it would be hard to determine if players are playing fairly and if the winner actually won. The following sections detail the rules of the Chief Justice® game.

Setting

This game is most appropriate in a classroom setting (see Figure 1.5.1) but could be played in any forum where people choose to gather on an ongoing basis and debate constitutional and contemporary issues.

Number of Players

It is necessary that the participants be divided into small groups which are considered “law firms” with two players in each law firm. If you have an odd number of people



Figure 1.5.1: A classroom is an ideal setting for playing the game.

Courtesy of Ariel Skelley/Corbis Images.

playing, it is allowable to have a law firm with three players participating. An unlimited number of people can participate in this game as jurors. The number of players participating as attorneys will depend on the size of the class and time constraints.

The Jury

A **jury** can be composed of any number of people who are not the attorneys in the present case. In a

classroom situation, the remaining cadets not involved in the case are the jury (see Figure 1.5.2). These people listen to the opening statements presented by the attorneys, the cross examination and the closing arguments, and then privately deliberate the case and deliver a verdict.

Selection of a Judge

A **judge** is selected at the beginning of the game to keep order and have the players follow the rules of the game. In a classroom setting, this job normally would fall to the teacher.



Figure 1.5.2: Your jury might not look like a courtroom jury, but it functions the same.

Courtesy of Corbis Images.

Key Note Term

jury—a select group of individuals chosen to listen and render a verdict in a court case

Key Note Term

judge—a high-ranking court officer who supervises and gives a decision on an action or court case

Duties of the Judge

As in a real courtroom, the judge has specific duties. In the Chief Justice® game, the duties of the judge include the following.

Key Note Term

law firm—a group of lawyers

Key Note Term

trials—examinations of facts and law in a court of law

1. The first duty of the judge is to determine the players in each *law firm*. This can be done in a number of different ways, however it is recommended in a classroom setting that the cadets be allowed to choose their partners. Each law firm should include two attorneys; if there are an odd number of cadets in the class, some law firms may be made up of three attorneys.
2. Next, each cadet should read carefully the rules to the game and the rubric which will serve as a guideline for the grading process. The *trials* are expected to be held on a periodic basis over the course of a semester or perhaps the school year, with trial dates scheduled on a weekly basis or as time allows. A consistent pattern of scheduled trials works best, for example, every Tuesday could be used for the purpose of the courtroom trials. (Army JROTC will have five trials.)
3. The law firms are then directed to select a case from the first 20 questions listed from the Chief Justice® booklets. After the first series of trials have been concluded, the next set of questions from question 21 through 40 would be used for the second set of trials and so forth until the 100 questions have been explored and each law firm has had five chances to win a case and move up to the top step of Supreme Court on the game poster. (Army JROTC will have five trials.)
4. At the start of each series of trials it is necessary to determine which cases are to be heard. The judge will call two law firms to come forward with their one selection and on the flip of a coin will determine which of the two cases chosen by each law firm will be heard. The team winning the coin toss not only gets to have their case heard, but also gets to choose the side of the argument they wish to defend. The law firm that loses the toss will have to take the opposing view of that case and argue that side as effectively as possible. Good attorneys can argue either side of any case brought before them as will happen in the practice of law. This process will continue until all law firms have come forward and all the cases to be tried have been determined.
5. In a classroom situation, it is important to allow sufficient time for the law firms to research their cases and schedule court dates for sometime in the future. A minimum of two weeks might be necessary before the first case is heard. Following cases would be scheduled on an ongoing basis over the course of the following weeks as time permits. Cadets should be encouraged to use the Internet as an excellent source to gain material for their arguments.
6. During the day of the trial, the judge will call the attorneys to the front of the room where a sufficient number of chairs have been placed to seat them. It is recommended that a podium be placed between the two law firms if one is available and other props such as a gavel or a judge's robe (black choir robe) might be used to add authenticity to the setting.
7. The judge will then call for the opening statements from each side starting with an attorney representing the proponent's side of the question to be considered. For example: If the issue to be debated is "Should minors under the age of 18 who commit first degree murder be given the death penalty?", the side arguing that they should be given the death penalty would go first.
8. The attorneys are allowed to use their three-page written reports as reference, but they should engage the jury with direct eye contact and not read the report word for word. They should be prepared to speak on the issue and only occasionally use the prepared text for assistance.

9. Only one attorney from each side is allowed to give *opening statements* and should be limited to five minutes for this phase of the trial.
10. After the opening statements, the attorneys are allowed to *cross examine* each other. The law firm taking the opposing side of the issue would go first. In the example above that would be the side arguing against the death penalty for minors. Each side would be allowed up to five minutes each to cross examine the opposing law firm and to try to expose weaknesses in their arguments.
11. Closing arguments are then given by the attorney who did not give the opening statements. Five minutes are allowed for each side and the law firm opposing the question would begin. In this case, the side against the death penalty would give their closing arguments first and the proponents would present last.
12. At the end of the closing arguments, the judge (teacher) would collect the three page research material used by the attorneys and ask the attorneys to wait just outside the classroom with the door closed. The teacher will later administer a grade for their work based on the rubric provided.

Jury Deliberation

When the attorneys have given their closing arguments, it's time for the jury to begin their work. The steps for jury deliberation are:

1. The jurors (the remaining cadets in the class) then pick a *jury foreman*. This should not take much time and it is acceptable to have someone volunteer or have the judge, who is still sitting in the room, select someone to expedite this process. The foreman will take an initial vote on the case by reading the question to the jury and recording the number of jurors who raise their hands and are for the death penalty for minors and those that are against it.
2. The jurors are then asked by the foreman to comment on their positions on the case and try to influence the other jurors to vote with their side. The foreman is expected to keep order during this phase and to allow all jurors an opportunity to share their views on the case in an appropriate way. It is important to have selected a responsible cadet who can carry out these duties.
3. The foreman must conclude the *deliberations* and reach a final *verdict* by simple majority vote with at least five minutes remaining in the class. The verdict is kept secret and the attorneys are now asked to reenter the courtroom and take their seats at the front of the room.
4. The judge will then bang the gavel and call the courtroom to order. The foreman will stand and will be asked by the judge if the jury has reached a verdict. After answering in the affirmative, the foreman will then be asked to announce the verdict. The foreman will then announce the verdict.
5. The judge will then move the winning team's colored marking pin up one step on the Chief Justice® poster which has been hung on the bulletin board somewhere in the classroom. The judge will declare, "The court is now adjourned." (Poster is not available to Army JROTC at this time.)

The highest honor at the end of the game is to become **Chief Justice**. The game will come to an end when one law firm has reached the level of Supreme Court. The cadets are then asked to confirm a Chief Justice by secret ballot. Only one of the

Key Note Term

opening statements—statements that state the opinion of one side in the beginning of a court case

Key Note Term

cross examine—to question the witness or opposing side

Key Note Term

jury foreman—a person who conducts the jury deliberation and speaks for the jury

deliberations—a period of time given to a jury to discuss and determine a ruling in a case

verdict—the decision rendered by a judge or jury in a court case

Chief Justice—the highest honor at the end of the game is to become Chief Justice; the game will come to an end when one law firm has reached the level of Supreme Court and the cadets are asked to confirm a Chief Justice by secret ballot

attorneys who has reached the level of Supreme Court will become Chief Justice. The Chief Justice should be chosen on the basis of his or her depth of knowledge of constitutional law, the amount of research of the various case laws used during the trials, and the degree of articulate persuasion of those moral and ethical principles the attorney has shared during the course of the game.

The final duty of the judge is to announce the name of the Chief Justice to the class and allow that cadet to move the colored marking pin representing his or her winning law firm to the star on the Chief Justice® poster. Applause is very appropriate at this time.

Time Frame to Conclude the Game

This game is designed to be played in a variety of time frames that suit a course curriculum or the schedule of any club or organization that wishes to provide a forum to debate current moral and legal issues. The time allocated for the Army JROTC program is five hours, one hour for each trial to be heard on a weekly basis.

Conclusion

It is believed by the author of this game that most of the time the collective wisdom of the majority of the people will determine the “right answer” given enough research, serious contemplation and open debate on any ethical or moral issue before them. Democracy works because “We the People” have inherent within us the collective wisdom and ability to govern ourselves. In this game cadets not only research what existing laws are relative to the questions before them, but also are asked to decide for themselves what the laws should be.

Chief Justice® is designed on the positive assumption that enlightened citizens are very capable of deciding what the laws should be. It is then the duty of all enlightened citizens to become actively engaged in the democratic process to ensure that our freedom is preserved.

The cadets are strongly encouraged to read the U.S. Constitution and interpret this historic document as a guide to finding the answers to as many questions as possible in this game.

This lesson concludes the You The People—Citizenship Skills chapter. The following chapters introduce you to the American political system, the Constitution, and the roles of citizens of the United States.

Lesson Review

1. What do Chief Justice® players learn about the U.S. Constitution? What is the purpose of the game?
2. What are five duties of the judge?
3. Explain the steps for jury deliberations.
4. How does a player get to be Chief Justice?