SAMPLE OF TEACHER MANUAL

\*NOTE: Information in grayscale is from the Student Worktext; the other material is from the Teacher Manual.

Samples Included:

1. Example of fact pattern in lesson.
2. Example of teacher manual tips.
3. Example from lesson on civil law.
4. Example from Steps in an Appellate Case.

EXAMPLE OF FACT PATTERN IN LESSON

Here’s your first fact pattern of the course! Read the following overview:

Marjorie was stopped at a traffic light on Green Street while driving home from work. The light turned green, and Marjorie turned left onto Main Street. Bill was coming the other way on Green Street and hit Marjorie’s car on the passenger side. Both cars suffered damage and Marjorie was not able to work for a month due to injuries from the crash. Marjorie says her turn signal was on, indicating she was turning left, while Bill says she did not have her turn signal on. Marjorie sued Bill, seeking compensation (payment) for the automobile repair bill, her medical bills, and the salary she did not receive from her job while she was recovering from the accident.

Before you begin the discussion, use a blackboard, whiteboard or butcher paper to read through the information and draw an image representing what happened in the fact pattern so students can visualize it. Place Green Street and Main Street diagonal to each other, draw simple rectangles to indicate the cars Marjorie and Bill were driving, and draw arrows showing in what direction they were traveling.

Answer the following questions:

* What is the conflict in this case? Whether Marjorie had her turn signal on to indicate she was turning.
* Who brought this case to court? Why? Marjorie brought the case asking for compensation for her lost salary, repair bill and medical expenses.
* Who is defending himself? What reason does he give as a defense? Bill; his defense is that Marjorie did not put her turn signal on to indicate she was turning.
* Is there any additional information you would like if you were deciding this case? Answers will vary, but may include: each car’s rate of speed, Bill’s eyesight, was either driver distracted, were there witnesses and what did they see or hear, the weather and road conditions, amount of traffic, and was another vehicle in the way, making it difficult to see each other?

If you have time, you can find information about an actual case (current or old) in the newspaper or online. After sharing information about the case with your class, have the students identify the conflict, who brought the case to court and why, who was defending himself and the defense given, and what additional information would be helpful to know

about the case. If it is a case that has already been decided, after the discussion you can share the outcome with the class and get students’ reactions.

EXAMPLE OF TEACHER MANUAL TIPS

**Field Trip Ideas**

Planning a field trip can help cement students’ understanding of what they learn in class. Here are some suggested field trips that can increase learning in the mock trial setting:

* local, state or federal court
* meet with attorney (especially a litigator)
* police station or jail
* law library or bar association
* law school

If you are able, perhaps the ultimate field trip is a visit to the U.S. Supreme Court. Be careful to follow all instructions on the website: [www.supremecourt.gov](http://www.supremecourt.gov/).

**High School Credits**

This course can be used as a ½ credit high school course (approximately 60 hours total). If you offer about 30 sessions and expect approximately 2-3 hours of work at home each week (perhaps more hours as the mock trial approaches), a full high school credit could be earned.

**Other Questions**

Homeschool Court wants your mock trial experience to be a blessing to you and your students. If you have other concerns or questions about your specific class, please feel

free to email [admin@homeschoolcourt.com](mailto:admin@homeschoolcourt.com) for assistance.

EXAMPLE OF LESSON (CIVIL LAW)

Some people have a higher duty to others because of special training or special relationships. A doctor treating a patient is held to a higher standard because the

patient expects that the doctor will act like a reasonable doctor. A reasonable doctor

would stay up to date with medical information, would order necessary tests for the patient and would give the patient all the information he needs to make good decisions about his care. This is the duty of care that the doctor owes to a patient.

In a lawsuit where a patient is suing a doctor, both would use doctors as expert witnesses. The doctor’s expert witness would be expected to argue that this doctor did what all reasonable doctors would have done, while the plaintiff’s expert witness would be expected to argue that this doctor did not do what any reasonable doctor would have done—and then the jury decides which expert, along with all other testimony, was the most credible.

Here is a YouTube video clip that explains the concept of the “reasonable person” clearly. You may want to show it to your class or just use it for your own understanding:

<https://www.youtube.com/watch?v=megwSSEdQz4>.[4](#bookmark0)

A dog owner must act reasonably in caring for his dog and if he does not and another person is injured, he may have to compensate the other person. The store owner must act reasonably ink keeping his store clean and free from dangers, ad if another person is injured in the store because that person slipped on a wet floor that wasn’t marked as a “wet floor,” the store owner may have to compensate that person.

If one person harms another in some way, but did not owe a duty to that person, that is not a tort. If a person is harmed by another who did owe a duty to him, but did not breach any duty, that is not a tort. If someone owed another a duty and breached that duty, but the person wasn’t injured, that is not a tort. The duty owed, the breach of that duty, and a harm related to that duty all must come together for there to be a tort.

There are many types of tort cases brought to court every year. The infamous McDonald’s® hot coffee case was a tort case. The jury determined that McDonald’s® owed a duty to the person ordering the coffee, failed to live up to that duty, and injured the coffee drinker through its negligence. The coffee drinker was found to have been injured, and that McDonald’s® needed to pay damages to the coffee drinker in order

to make that person whole.

4 Used with permission.

100

This case and others like it often make students irritated. They may think it was ridiculous for the person who ordered coffee to sue McDonald’s® for the coffee being too hot. One thing to point out to students is that ultimately it was the jury’s decision whether the case is frivolous or not. This jury, after hearing all the evidence from both sides, awarded the coffee drinker punitive damages because it believed the company violated its standard of care—and also treated its potential customers callously. You can read more about this case online but be careful to read articles both in favor and against this verdict.

EXAMPLE FROM STEPS IN AN APPELLATE CASE

Chief Justice: “We will hear argument today in the case of [name of case], [Chief Justice provides a brief synopsis of the case, which will be found in your Case Summary]. Please begin.”

The Chief Justice does not normally provide a synopsis, but this gives a brief overview to the mock trial audience so they can better follow along.

Petitioner: “[Mr./Ms.] Chief Justice, and may it please the Court.”

PETITIONER’S ORAL ARGUMENT

During the oral argument, the Petitioner will explain why the Court should decide *not* affirm the lower court’s decision.

At any time during the oral argument, Justices may interrupt and ask a question of the Petitioner. The attorney must be able to answer the question asked, and then continue the oral argument.

Petitioner: “Thank you.”

*The Petitioner sits and the Respondent stands at the podium.*

You will need some way to show when the time is up for the attorney and the Justices. You could have a separate timekeeper off to the side, or you could task one of the Justices. You could use any means, from a red paper, a paper with “TIME,” or a timer that makes an audible sound. You could also institute an intermediate reminder, such as a yellow paper 3-5 minutes prior to the time limit.

Respondent: “[Mr./Ms.] Chief Justice, and may it please the Court.”

RESPONDENT’S ORAL ARGUMENT

During the oral argument, the Respondent will explain why the Court should decide *to* affirm the lower court’s decision.

At any time during the oral argument, Justices may interrupt and ask a question of the Respondent. The attorney must be able to answer the question asked, and then continue the oral argument.

Respondent: “Thank you.”

Chief Justice: “Thank you, counsel. The case is submitted. We will retire to the Justices’ chamber and issue our opinion momentarily.”

Justices to chambers. Discuss and take a vote. Write a brief opinion to be read in court by the Chief Justice. If anyone disagrees with the opinion, he may write a brief dissenting opinion. When done, come back to the courtroom and take your seats.

It is helpful to have a time limit on this process and to have an activity or break for the audience and others. The time limit will discourage endless debates between the Justices and allow an outcome, even if imperfect.

Chief Justice: “We have issued our decision.”

The Chief Justice will read the majority opinion. If there is a dissenting opinion, it is read as well. For each opinion, tell which Justices were in agreement on each one.

Chief Justice: “Thank you. Court is now adjourned.”

After the opinion(s) has been read, you may choose to ask the Justices why they decided as they did. You can ask: What made one argument more persuasive than the other? Did any of you [Justices] change your mind during the deliberations, and if so, why? Did you come into the oral arguments with your mind made up, and if so, did it stay the same after both arguments?