

Lesson 3
How does the law apply to our case?

Lesson Objectives

Students will be able to:

- Contrast the facts of the complaint with the deposition testimony
- Analyze how the law would apply to the facts of the case

Materials

- Handout 7: Fact and argument organizer, with accompanying answer key
- Handout 8: Deposition of Olivia Marquez
- Handout 9: Deposition of George Carpenter
- Handout 10: Deposition of Kenji Davis

Lesson Assessments

- Fact and argument organizer

Instructional Activities

Anticipatory Set

- Remind students that so far, they have only heard Kenji Davis’s side of the story through the complaint. Next, they will learn more about the incident by reading depositions of the Vice Principal, the computer science coach, and Kenji himself.
- Explain that after a plaintiff files a complaint and a lawsuit begins, the parties need to collect information about what happened. One of the ways they do this is by taking depositions. Depositions are formal interviews where a lawyer sits down with a witness and asks him or her lots of specific questions. All of the answers are recorded, and the witness is under oath, which means he or she must tell the truth.
- Distribute **Handout 7: Fact and argument organizer**. Explain that the headings in each box represent the arguments that each side would want to make, to persuade the court that the precedent is on their side. Read through the headings. As you read them, ask students to recall which case found those arguments to be relevant. Students may refer to **Handout 4: Case organizer** to aid their memory. Also ask students what they already know about each argument, based on the facts they read in the complaint.
- Number students off 1 to 3. Students in group 1 should brainstorm three questions they would want to ask Olivia Marquez (the computer science coach) if they wanted to learn more about which side has the stronger arguments. Group 2 should do the same for

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George Carpenter (the Vice Principal), and group 3 for Kenji Davis (the student). Then call on students to share some of the questions they would want to ask.

Guided Practice

- Pass out **Handout 8: Deposition of Olivia Marquez**. Ask for two students to volunteer to read aloud and role play. One student will be the lawyer asking questions, and the other student will be Olivia Marquez, who answers the questions.
- Before reading begins, instruct students that the purpose of reading these depositions is to get more information about the situation so that we can figure out who has the stronger argument. Point out that some arguments might be stronger for the plaintiff, while other arguments might be stronger for the defendant. As they read, students should look out for relevant clues on either side.
- As the volunteers read aloud, other students should say "pause" when they hear a clue. Then they should explain to the class what they heard and which argument it supports, and the class will make a note in the appropriate box on **Handout 7: Fact and argument organizer**. They should also note which deposition they got the clue from. (See the accompanying answer key.)

Independent Practice / Homework

- Pass out the remaining 2 depositions - **Handout 9: Deposition of George Carpenter**, and **Handout 10: Deposition of Kenji Davis**. Students will read through these depositions and highlight important facts or "clues" according to their color code system, just as they did together with the class. As they find clues, they should add them to their fact and argument organizer.
- If students do not finish the depositions in class, they are to finish for homework.

Closure

- Alert students that soon, they will be assigned to a partner and they will find out whether they are going to be on the school's side or on the student's side. Because they don't know yet, it's important that they look for clues on both sides as they read through the remaining depositions.