**Theodore Boone, Kid Lawyer**

by John Grisham

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**Overview**

With two attorneys for parents, thirteen-year-old Theodore Boone knows more about the law than most lawyers do. But when a high-profile murder trial comes to his small town and Theo gets pulled into it, it's up to this amateur attorney to save the day.

**Grades 5, 6**

**LEARNING TARGETS**

**5th Grade**

* I can give examples from Theodore Boone of specific protections from the Bill of Rights and the Minnesota Constitution that protects individuals.
* I can explain how the primary functions of the Judicial Branch of government, as established by the United States Constitution, are depicted in Theodore Boone.
* I can give examples from Theodore Boone where law limits the power of government to protect individual rights.

**6th Grade**

* I can use the arguments depicted in the opening arguments of trial in Theodore Boone to evaluate arguments from a diverse perspective.
* I can describe how rights depicted in Theodore Boone were established and changed over time.
* I can explain the impact in the book of a character’s lack of citizenship.
* I can give examples from Theodore Boone of specific protections from the Bill of Rights and the Minnesota Constitution that protects individuals.
* I can distinguish between civil and criminal law in cases described in the book.

**STANDARDS**

**Grade 5**

**Civics**

**5.1.3.5.1** Explain specific protections that the Bill of Rights provides to individuals and the importance of these ten amendments to the ratification of the United States Constitution.

**5.1.4.7.1** Explain the primary functions of the three branches of government and how the leaders of each branch are selected, as established in the United States Constitution.

**5.1.4.8.1** Explain how law limits the powers of government and the governed, protects individual rights and promotes the general welfare.

**5.1.1.1** Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

**Grade 5**

**Language**

**Arts**

**5.1.4.4** Determine the meaning of words and phrases as they are used in a text, including figurative language such as metaphors and similes.

**5.1.6.6** Describe how a narrator’ s or speaker’ s point of view influences how events are described.

**5.2.9.9** Integrate information from several texts on the same topic in order to write or speak about the subject knowledgeably.

**6.1.1.1.1** Evaluate arguments about selected issues from diverse perspectives and frames of reference, noting the strengths, weaknesses and consequences associated with the decision made on each issue.

**Grade 6**

**Civics**

**6.1.3.5.1** Describe the establishment and expansion of rights over time, including the impact of key court cases, state legislation and constitutional amendments.

**6.1.3.6.1** Define citizenship in the United States and explain that individuals become citizens by birth or naturalization.

**6.1.4.7.3** Identify the purpose of Minnesota's Constitution; explain how the Minnesota Constitution organizes government and protects rights.

**6.1.4.7.5** Describe how laws are created; explain the differences between civil and criminal law; give examples of federal, state and local laws.

**6.4.1.1** Cite textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

**Grade 6**

**Language**

**Arts**

**6.4.4.4** Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of a specific word choice on meaning and tone.

**6.4.6.6** Explain how an author develops the point of view of the narrator or speaker in a text, including those by or about Minnesota American Indians.

**6.5.7.7** Integrate information presented in different media or formats (e.g., visually, quantitatively) as well as in words to develop a coherent understanding of a topic or issue.

**GUIDE**

**Chapters 1-11**

1. When discussing the trial of Pete Duffy with other people, Theo often asks opinions as to guilt or innocence. (p. 13, 46, 103) Theo lets the reader know that he feels Mr. Duffy is guilty early in the book (p.13). He also mentions that Mr. Duffy is “presumed innocent.” (p. 13, 23, 46) On page 70, Mr. Duffy’s defense lawyer gives an explanation of “presumed innocent.” Is this presumption a hard one to hold on to? Does it matter that the reader knows that Theo believes Mr. Duffy to be guilty? Would we have a different feeling about the case if Theo was unsure, or if he felt the accused was innocent? What effect does the presumption of innocence have on the evidence as it is presented at trial? How does it effect the work of the prosecutor, who works for the government? (p.23, 69)

Civics Standards: 5.1.4.8.1 6.1.1.1.1

Language Arts Standards: 5.1.4.4 5.1.6.6 6.4.4.4 6.4.6.6

1. The presumption of innocence is not mentioned directly in the Constitution, but courts have found it to follow naturally from the 5th, 6th. Read the text of these Amendments. See also the Minnesota Constitution, Article 1 Sections 6 & 7. How does the presumption of innocence follow from the rights mentioned in these sections?

* If a person were not presumed innocent, the right to a trial would be a pointless, since guilt or innocence could be decided beforehand.
* An “impartial jury” implies a jury that has not made decisions. Since only the jury can make the decision as to guilt, and the accused was innocent before the accusations were made, then the accused must be innocent until the jury decides otherwise.
* The protection against self incrimination suggests that an accused has the right to maintain innocence until proven otherwise. If the decision of guilt is made before there is a trial or a jury, protection against self incrimination is irrelevant.

Civics Standards: 5.1.3.5.1 5.1.4.8.1 6.1.3.5.1 6.1.4.7.3

Language Arts Standards: 5.2.9.9 6.5.7.7

1. In Chapter 5 the prosecutor and the defense attorney present their Opening Arguments. These statements present two opposite viewpoints of the same incident. Who has the stronger argument? Each attorney mentions evidence from the crime and legal issues to make their argument, what are some of their points? How does their job as prosecution or defense effect how they see the “facts” of the case? In the United States Bill of Rights the 6th Amendment guarantees the right to counsel (a lawyer). This right is also protected in the Minnesota Constitution, Article 1 Section 6. Why do you think the right to counsel is important?

Civics Standards: 5.1.3.5.1 5.1.4.8.1 6.1.1.1.1 6.1.4.7.3

Language Arts Standards: 5.1.1.1 5.1.6.6 6.4.1.1 6.4.6.6

1. Several attorneys are mentioned in these chapters. Mrs. Boone is a family lawyer and Mr. Boone is a real estate lawyer. Mr. Hogan is the prosecutor and Mr. Nance is the defense attorney. Theo also mentions a bankruptcy lawyer. Some of these attorneys work in civil law and some work in criminal law. What is the difference between the two areas of law? (Civil law deals with disputes between individuals or organizations and how to award compensation for damages. Criminal law deals with accusations that laws have been broken and the government’s punishment of the offender.) Which of these attorneys work in civil law and which work in criminal law? (The prosecutor and defense attorney are in criminal law, the rest are in civil law.)

Civic Standard: 6.1.4.7.5

Language Arts Standard: 6.4.4.4

1. Formative Assessments:
2. Look at Theo’s explanation of “circumstantial evidence” on pages 24 and 25. Write a constructed response to the following questions:

* How is the evidence against Mr. Duffy circumstantial?
* Does it make a difference to you whether the evidence is circumstantial or direct?
* Does it change the strength of the lawyer’s argument as to guilt or innocence?

1. Form groups of 6 or 12. Pretend you are a jury deciding the case against Mr. Duffy. Discuss the information that you have so far. Take a vote and decide whether to convict.
2. Theo creates a map of the courtroom with photos of the key people to explain the proceedings to his Government class. Using the description on pages 20-23, make a similar map. Include a brief description of the job of each key person at the place that person would traditionally sit.

**Chapters 12 – 22**

1. Theo is confused and upset by the information Julio gives him. Why does he talk to his Uncle Ike about the situation, not his parents? On page 129, Theo talks about his parents as “officers of the court.” This means that, as attorneys, his parents took an oath to help the courts in making just decisions. How does this oath, or promise, effect Theo’s parents reaction to the information he gets from Julio? How does their oath support the function of the Judicial Branch? (The function is to interpret the laws. If the law is applied unjustly, it is not being interpreted well when applied to the facts of a case. Judge Gantry cannot apply the law to the facts of the case if important evidence of the true facts has been withheld.) What would you do if you were Theo? What if you were his parents?

Civics Standards: 5.1.4.7.1 6.1.1.1.1

Language Arts Standards: 5.1.4.4 5.1.6.6 6.4.4.4 6.4.6.6

1. Why doesn’t Bobby go to the police with the important evidence he has? What does it mean to be an “illegal?” (Entered the United States without permission from the U.S. government, or stayed in the United States after the permission to be here at expired.) In Chapter 18 Theo’s parents try to help Bobby get legal permission (papers) to be in the United States. How would this be different if Bobby were a citizen of the United States? (He could testify without fear of deportation.) Would there be any difference if he were a naturalized citizen? (No, he would legally considered a citizen.)

Civics Standard: 6.1.3.6.1

Language Arts Standards: 6.4.1.1 6.5.7.7

1. Is the evidence that Bobby has direct or circumstantial? (Circumstantial – he is an eye-witness, but not to the actual murder.) What does his evidence actually prove, if the jury believed it? (Mr. Duffy lied about returning home. Mr. Duffy was home at the time around the murder. Mr. Duffy had the opportunity to murder his wife.) Bobby could be lying about seeing Mr. Duffy at his home. If he testifies, the jury will have to decide whether they believe him or Mr. Duffy’s version of his activities. Whom would you believe? Why? Is there something about Bobby’s circumstances that makes him more believable? (He has nothing to gain from lying and a great deal to lose by making the statements.)

Civics Standard: 6.1.1.1.1

Language Arts Standard: 6.4.1.1

1. Summative Assessments:
2. Look for examples of the Bill of Rights protections for those accused of crimes that are in the book. Make a list of the examples along with the amendment that applies.

* P. 21 – Right to Counsel
* P. 22 – Right to Jury Trial
* P. 22 – Confronted by the Witnesses Against Accused
* P. 23 – Public Trial
* Chapter 5 – Jury Trial, Public Trial, Counsel
* Chapter 6 – Witnesses
* P. 128 – Confront witnesses, process to compel witness to testify
* P. 137 – Double Jeopardy
* P. 169 – Double Jeopardy
* 179 – Search and Seizure
* 192 – Right to Counsel
* 203- Self Incrimination

1. Theodore Boone refers to many legal disputes besides the murder trial. Make a chart showing each dispute and whether it is a criminal or civil case.

* April’s custody case – civil
* Mr. Duffy’s murder case – criminal
* Sandy’s home foreclosure – civil
* Immigration / Deportation - Civil
* Hallie’s dog – civil
* The snake case – civil
* Woody’s brother – criminal
* Miss Gloria’s brother – criminal

1. Judge Gantry has a difficult time deciding what to do when Theo tells him about Bobby’s evidence. He weighs the accused’s right to a speedy, fair trial against the impact of the potential evidence on justice. Pretend you are either Mr. Nance, the defense attorney, or Mr. Hogan, the prosecutor. Write a “brief” to the judge arguing either to prohibit Bobby’s testimony, or to allow the testimony to be heard. A “brief” is like an essay that tries to persuade or convince the judge to act in a given way.

**Notes**

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