**Engaging Strategies for Teaching Civics, Law and Government**

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**Case Study**

### Teacher Instructions

Case studies take many forms. They include legal cases, based on court opinions, hypothetical situations concerning the topic being taught and real stories taken from personal experience or current events. Most case studies include five steps and can be done in large group or small teams.

**Procedure:**

1. Discuss the facts. What happened? Who is involved? What are their motives? Where did it happen? What facts are important? What facts are not relevant? What facts are missing?
2. Identify the critical issue. In other words, what is the question that needs to be answered? For example, in a murder case, did the defendant intend to kill the victim or was it an accident?
3. Discuss the arguments. What facts support each side? What law supports each side? Do other reasons exist that might help in the decision?
4. Determine the stage the case is at or the decision made. If it is a court case, what is the decision of the court? If it is a news article, has an arrest or a charge been made, a lawsuit filed? If it is a hypothetical situation, what do you think would happen next? What has happened in similar cases?
5. Evaluate the case. What is the impact of the case? What will happen in future similar cases? Was the problem solved for the parties? Is there a better way (i.e., mediation, community conferencing)?

**Mediation Discussion Questions for Case Studies**

1. What are the interests of all parties involved in this situation?

Rather than identifying the issues and positions/arguments, identify the interests. The interests are usually the basis for the positions/arguments and if explored fully can identify other ways of resolving the situation. Once the conversation focuses on positions, the potential areas of agreement and range of solutions are limited.

2. What action/items might meet the needs/interests of the parties?

In some cases, parties simply want acknowledgement that they have been wronged and an apology.

3. Will a law suit result in the needs/interests being met?

4. Did the court's resolution of this case meet the needs and interests of the parties?

5. What other methods of conflict resolution could be used?

**Student Handout: SUPREME COURT CASE STUDY GUIDE**

1. What is the name of the case?
2. What are the facts of the case?
   1. What happened?
   2. Who was involved?
   3. Why did they act as they did?
   4. How did the lower courts rule?
   5. Which facts are important? Why?
   6. What additional facts would you like to have?
3. What is the constitutional or legal issue?
   1. Who is the actor?
   2. Who was the recipient of the action?
   3. What action has caused the controversy presented in the case?
   4. What part of the Constitution or statute is involved?
   5. What question is the court being asked to answer?

4. What are the arguments?

* 1. What are the arguments for the petitioner?
  2. What are the arguments for the respondent?
  3. Which arguments are the strongest?

5.What is the Supreme Court’s decision and reasoning?

6. How do you feel about the decision?

7. What will be the impact of the decision?

**JIGSAW**

### Teacher Instructions

A jigsaw is a strategy that helps students learn about several related court cases.

**Procedure:**

1. Determine the number of cases you would like students to study. Divide the group by this number.
2. Assign one case to each group. Have the students read the case study. They may do this individually or as a group. Using the case study forms, ask the students to answer the questions about their case as a group. Students should discuss the questions and decide how best to present the important information to the other students.
3. Re-group by having one person from each case study group join a new group. In this step, each new group will have one person from each case study group. (If there were five students in each case study group, there will now be five new groups, each with a representative from each case study group.)
4. Teach and learn about all of the cases. Representatives from each case study group will present the important information about their cases to their new groups and will learn about the other cases. Compare cases and draw some conclusions.

**UNMARKED OPINIONS**

***Teacher Instructions***

Unmarked opinions are an excellent strategy to use with cases that have 5-4 decisions or cases that have strong dissents.

**Procedure:**

1. Review the court’s opinions (majority and dissenting opinions). Prepare a shortened majority opinion by selecting passages from the majority opinion that reflect and summarize the viewpoints and reasoning of the author(s). Prepare a dissenting opinion in the same way. However, do not mark the opinions as majority or dissent, but do number them “1” and “2”.
2. Provide the students with a brief statement of the facts of the case and the two “unmarked” opinions.
3. Ask them to read the opinions and discuss the opinions answering the following questions:
   1. What are the two strongest arguments in opinion #1? Why?
   2. What are the two strongest arguments in opinion #2? Why?
   3. Which opinion do you agree with? Give reasons.
   4. Which opinion do you think represents the views of the majority of the U.S. Supreme Court in the case? Which do you think is the dissenting (minority) view?
   5. Why is this case important for the parties who are involved? Why is the case important for society?

**Variation of Unmarked Opinions: Classifying Opinions**

1. Complete Step #1 above. However, instead of issuing separate opinions, mix the passages up in one document. Leave space by each statement so that the students can marked whether they think the opinion comes from the majority opinion or from the dissent.
2. Discuss the passages. Which ones do they most agree with? Disagree with? Inform students as to the source of the statements.

**Conciliation Court Simulation**

***Teacher Instructions***

**Procedure:**

1. Divide that class into three equal groups: plaintiff, defendant, and judge.
2. Have all plaintiffs, all defendants, and the judges meet separately to discuss the case. The parties should review the facts of the case and discuss what they are asking the court to do. The judges will review the case, discuss any questions they might want to ask, and review the conciliation court procedure. This step should take about 10 minutes.
3. In new groups, consisting of one plaintiff, one defendant, and one judge, conduct the simulation using the conciliation court procedure.
4. Compare the decisions of the various judges. Why did they decide the way they did? What facts were persuasive? Can they think of better solutions to the problem?

**Student Handout: Conciliation Court Procedure**

1. Judge greets parties. Explains that they will each get a chance to tell their side of the story and that after the judge has heard the case, he or she will make a decision.

2. Plaintiff begins by explaining the story from her or his perspective.

3. Judge asks clarifying questions.

4. Defendant tells the story from his or her perspective.

5. Judge asks clarifying questions.

6. Plaintiff may respond to the defendant’s argument.

7. Defense may respond.

8. Judge makes a decision and explains the reasons.

**Continuums**

#### **Teacher Instructions**

There are several variations to this activity that has students forming a line from one end of a continuum to the other. The continuum might be based on feelings/opinions about an issue (i.e., support or oppose gun control), on the chronological order of historical events (i.e., important dates in the development of civil rights in America), or on the order of steps in a procedure (i.e., a human flow chart of steps in a trial).

##### Human Continuum (Flow Chart) Procedure

1. Give each student a slip of paper stating one step in the procedure.
2. Ask students to look at the information provided and determine where in the process their step occurs.
3. Once they think they have identified their placement on the continuum, ask them to stand in the place where they think they fit.
4. Ask students to check their placement by talking with the people nearby. Should they move over a person or two? Are they too close to the end? To the beginning?
5. After everyone is placed, ask the students to describe their steps, starting with the beginning and moving to the last step. Allow for corrections based on the information shared. Identify any questions that might exist. Are there missing steps? Do people need further clarification? Use student readings to help answer the questions.

##### Opinion Continuum Procedure

1. Determine where the continuum will be and place one position at one end and the other, opposite position at the other end. (Oppose, Support; Agree, Disagree, etc.)
2. Ask students to think about how they feel about the topic and then stand where they think they are on the issue. For example, if they are generally opposed to the idea but might see some times where they would support it, they would stand near the Opposed end but not at the very end. The very end is reserved for those who oppose the idea 100% of the time.
3. Ask students to check their placement by talking with the people nearby. Is the person next to them less opposed or more opposed.
4. Once they are placed on the line, ask for volunteers to step forward, state their position, and provide reasons to support the position.
5. After several students have shared their opinions, including students reflecting both ends of the continuum, provide students with the opportunity to change their positions. In many cases, students will have persuaded their classmates to move on the continuum.
6. Reflect with the students on how opinions vary for many different reasons, how people feel strongly about their positions, how few people are completely at one end or the other, and how the commonalities are sometimes more prevalent than one would think.

##### Human Timeline Procedure

1. Give each student a slip of paper stating one historical fact.
2. Ask students to look at the information provided and determine where in the timeline their fact or event occurred.
3. Once they think they have identified their placement on the continuum, ask them to stand in the place where they think they fit.
4. Ask students to check their placement by talking with the people nearby. Should they move over a person or two? Are they too close to the end? To the beginning?
5. After everyone is placed, ask the students to describe their event, starting with the beginning and moving to the last person. Allow for corrections based on the information shared. Identify any questions that might exist. Does there seem to be information that is missing? Do people need further clarification? Use student readings to help answer the questions.

**Each One Teach One**

### Teacher Instructions

This strategy is well suited to learning lots of information about a topic in an interactive way. Students become responsible for teaching and learning the information. Each student is given a statement of fact that he or she is to “teach” to the other students. During the time they are teaching their facts, they are also responsible for learning the facts that other students are teaching.

#### **Procedure**

1. Prepare the fact slips. Cut paper into strips with one fact on each strip.
2. Distribute one fact slip to each student. If you have fewer facts than you need, make two sets of the slips. Hand out one complete set and then use as many from the second set as needed. This assures that each fact is being taught by at least one student.
3. Ask the students to spend a few minutes learning their facts. Check to make certain that the students understand the facts they will be teaching.
4. Ask students to begin teaching their facts to other students. Tell them that they will need to move around the room as they try to teach their fact to as many classmates as possible. Remind them that they are also responsible for learning all the facts taught by their classmates.
5. When students have had the opportunity to communicate with most students, ask the students to stop.
6. In large group, discuss the facts learned. Ask students to share facts they learned, but tell them that they may not share the fact they were teaching. The goal is to see how much information they learned from their classmates.

This discussion will provide an opportunity for the teacher to organize the facts in related groups, to add needed additional information, and to highlight items of greater importance. The discussion eliminates the need for the teacher to present all of the information as well as the need for the students to read all of the information.

1. Complete the discussion by asking if all of the facts were discussed. If not, ask students what facts were missed. At this time, students may provide the facts they were teaching.

**Jeopardy**

***Teacher Instructions***

Like the game show, this strategy challenges the students to remember what they have learned.

**Procedure**

1. Students develop questions from the units of study. The questions from The Law School Game might also work for this activity. Teacher determines the level of difficulty and assigns a 1-5 to the question (1 is easiest, 5 is most difficult). The questions are then organized by subject matter either using the units or the topics within a unit. A useful tool is to write the questions on different colored cards.
2. On a black board or wall, hang 8 ½ x 11 sheets of paper with the heading of the subject on top and five pieces of paper underneath. (The subject heading can match the color of the question cards.) The top piece has a 10 on it, next is 20 etc. until the bottom piece has a 50 on it. This indicates the points received when the question is answered correctly. You may use as many columns as you have subjects.
3. Divide students into teams.
4. Begin the game. The first team picks its subject. If they answer the question correctly, they receive the points and can try to answer another question. If they fail to answer the question, the question goes to the next team.
5. The next team can either choose to answer the question or pick a new subject category. If the answer the question correctly they receive the points and try another question. If they fail, the question goes to the next team.
6. At the end of the time, the team with the highest points wins.

**Mock Appellate Argument**

***Teacher Instructions***

In appellate arguments, lawyers present their sides of a case to a panel of judges who will consider the issues and write an opinion that states the decision of the court and explains the court’s reasoning.

In presenting their case, the lawyers review the facts, discuss the issues, and present prior cases, laws, and public policies that support their position. The judges may stop the lawyers at any time to ask questions.

Each side has a limited amount of time in which to make their argument. When the arguments are completed, the judges meet and discuss the issues and then issue an opinion.

**Preparation**

1. Select a case that raises questions that are relevant to the concept being studied.

1. Instruct students about the substantive issues raised in the case by doing a case study.
2. Using the facts of the case, review the facts, issues, and law involved with the entire class.
3. Divide the class into three groups. One group represents the appellants in the case (the party that has filed the lawsuit), one group represents the respondents in the case (the party being sued), and the third group represents the judges.
4. Provide each group with the case summary, relevant law and cases, and Instructions for Appellate Argument Attorneys. Ask the two lawyer groups to review the materials, to brainstorm arguments for their side, and find supporting cases, laws, or public policy to support their position. Then each group will develop and refine their arguments and select the person(s) who will present the argument. Ask the judges group to review the law, cases, and facts of the case and brainstorm questions they would like to ask during the oral argument.

**Oral Argument**

1. Begin court with a student court marshal calling the case using the Supreme Court Call to Order.
2. Appellant presents his or her argument (5-10 minutes). He or she can reserve 2-3 minutes for rebuttal. See below.
3. Judges ask questions (2-3 minutes). They can also ask questions at any time during the lawyer’s presentation.
4. Respondent presents his or her argument (5-10 minutes).
5. Judges ask questions (2-3 minutes). They can also ask questions at any time during the lawyer’s presentation.
6. If the appellant has reserved time for rebuttal, he or she can respond to the respondent’s argument.

**Supreme Court Conference**

1. At the conclusion of the oral argument, the judges meet so that the other members of the class can observe the conference discussion. Remind students that actual Supreme Court Conferences, during which they discuss the case, decide the outcome, and select the author of the majority opinion, are confidential.
2. Tell students they will follow the procedures used by the U.S. Supreme Court in conference to discuss and decide a case:

* As justices enter the conference room, they traditionally shake hands all around.
* The chief justice announces a case for discussion. A free discussion of the case among various justices is held (ten minutes is suggested for this activity). Justices will want to try to persuade others and try to form coalitions in order to reach a majority opinion.
* The chief justice then formally discusses the case first, followed by each of the other justices in order of seniority, each person giving his/her vote.\* Each justice should keep a tally of the other justices' vote for or against and make note of key reasons for the opinions.
* If the chief justice votes with the majority, he/she assigns one of the associate justices to write the majority opinion. If the chief justice is a dissenter, the most senior associate justice voting with the majority will make the assignment. The other justices in this group should help because all must sign the opinion. Dissenting justices may write one opinion together or each write his/her own. If they choose to write one opinion, all must sign it. Concurring justices traditionally each write a separate opinion.

1. In the alternative, the judges may issue an oral opinion if a writing assignment is not part of the class work. Judges should

* Discuss strongest points made by appellant
* Discuss strongest points made by respondent
* Discuss weak points on both sides
* Issue the opinion

1. Discuss the court’s decision.

* Do you agree? Why or why not?
* What language of the Constitution and the amendments, other law, or previous cases was relied upon in the Court’s decision?
* What were the key principles involved?
* What was the significance of the court’s decision?
* Did the decision change the meaning of the Constitution?
* Was this the best way to solve the problem? What are alternative ways?
* Can you predict problems arising out of the court’s decision?
* What role did the other branches of government play? What role should they have played?
* What, if anything, should happen next?

1. If the case is an actual case, explain the actual Supreme Court decision

**Alternative Procedures**

1. Divide students into groups of 5-7. Within each group, two students will act as petitioner’s lawyers, two as respondent’s lawyers, and the remaining students will act as judges. The groups conduct their hearings simultaneously, sharing and comparing the judges’ decisions at the end of the activity.
2. Class will be divided into groups of nine. A chief justice will be appointed in each group. Remaining justices should be numbered two to nine. Provide justices with the facts of the case, the law, and selected prior case decisions. Using the information and the conference procedure, the judges should write their decisions. Compare decisions.

\*NOTE: In *The Brethren*, by Bob Woodward and Scott Armstrong (1979), voting by the Supreme Court is described as being from least to most seniority, with the chief justice voting last. However, in Chief Justice William Rehnquist's 1987 book, *The Supreme Court: How It Was How It Is*, Rehnquist states that since he has been on the Court the chief justice has always voted first.

Adapted from Common Law-Related Education Strategies, LegalWays, Minnesota Center for Community Legal Education, TACO (Teacher Access to Court Opinions) published by the State Bar of Texas, and Preparing Citizens: Linking Authentic Assessment and Instruction to Civic/Law-Related Education, Social Science Education Consortium.

**Instructions for Appellate Argument Attorneys**

Review and discuss the background materials that have been provided. Working in your team, write down the following:

* A clear, brief statement of your position.
* At least two facts from the case that support your position with an explanation of how each fact supports your position.
* At least one previous court decision that supports your position, describing why it supports your case.
* At least one reason why your position is fair to your client.
* At least one reason why a court decision in your favor will benefit society.

Using the information you have written down, prepare your argument for the Supreme Court. Remember, arguments do not need to be rooted in legal technicalities. Any argument that is persuasive from a philosophical, theoretical, conceptual, or practical standpoint can be made.

**Attorney Mock Appellate Argument Guide**

“May it please the court, my name is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I and my co-counsels represent \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in this case.”

“Today’s case involves . . .” (summarize the facts of the case and present the specific issue before the court. Remember the facts of the case are generally not in dispute in an appellate argument because the facts have been decided at the trial court level.)

“I would like to begin with . . .” (present the arguments, focus on relevant facts concerning the issue. Include the law and relevant cases. Explain why the cases are relevant. Remember to discuss the opposing sides’ strongest arguments, explaining why their arguments are not relevant.)

“Thank you.”

**Instructions for Supreme Court Justices**

* 1. Read through the facts of the case. Outline the facts below.
  2. Discuss the law; list the elements of any standards that are used in analyzing the case.
  3. List arguments you might hear from both sides

Appellant (side appealing the case)

Respondent (side responding to the appeal)

* 1. List questions you have for each side

Appellant

Respondent

# Supreme Court Call to Order

**Oyez, Oyez, Oyez**

**All persons having business before the honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the court is now sitting.**

**God save the United States and this honorable court.**

**We’ll hear arguments today in No.\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­\_\_\_\_\_\_\_\_, v.**

**(name of appellant)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**(name of respondent)**

**Is the attorney for the appellant ready?**

**Is the attorney for the respondent ready?**

### Mock Legislative Committee Procedures

#### **Teacher Instructions**

After a bill is introduced into Congress (or your state legislature), it goes to a committee for consideration. If committee members decide to proceed with the bill, they usually hold a public hearing. At the hearing, testimony is given for and against it.

If you wish to have your students become familiar with committee hearing procedures, which are more formal that the procedures used for Youth Forums, the following simplified procedures will guide your efforts.

**1.** Assign students to roles:

1. One student will serve as the chairperson of the committee. The teacher may choose to serve as chairperson (or co‑chairperson) to facilitate the committee hearing.

**b.** One student should be assigned to serve as the author of the bill, presenting an overview of the legislation. The author may choose others to serve as experts. For example, one student might role-play a doctor who works in an emergency room treating victims of abuse, and one might role-play a crisis counselor. Each expert will testify before the committee. (Lessons using mock legislative hearings often include several expert witnesses roles.)

**2.** After students have had time to prepare, conduct the legislative committee hearing, using the following simplified procedure.

# Student Handout: Mock Legislative Procedure

**1.** Committee chairperson will call the meeting to order: “The committee will come to order.”

**2.** Chairperson announces that there is one item on the day’s agenda (the proposed bill).

**3.**  Chairperson calls on the bill’s author to explain the bill.

**4.** Author briefly explains the bill, states that there are witnesses who want to testify in favor of it.

**5.** Chairperson calls on those in favor of the bill to testify. These experts stand before the committee and each begins with “Mr./Madam Chair, members of the committee…” One by one, they explain their positions.

**6.** Chairperson asks for questions from the committee members. Anytime committee members wish to speak, they should say “Mr./Madam Chair” and wait to be called upon.

**7.** Chairperson asks if others would like to testify. At this time, students supporting or opposing the legislation may stand before the committee and one by one explain their positions.

**8.** Chairperson asks for questions from the committee members.

**9.** Committee discusses the bill. They may change the language of the bill by adding or deleting words. “I move to amend the bill by . . .” The amendment is then voted on separately. If it passes, it is incorporated into the bill.

**10.** A member of the committee moves for the bill to pass. “I move that the bill be recommended to pass”

**11.** Chairperson asks for those in favor of the motion to say “aye,” those opposed to say “nay.” The chairperson estimates the vote on each side and announces, “The motion prevails (or fails).” Any member may ask for a roll call vote, in which case the chairperson asks each member to register a vote on paper or by voice. The chairperson announces the vote.

**12.** Chairperson says “having no other items on the agenda, the meeting is adjourned.”

**Alternative Steps 10 through 12:** Lawmakers often conduct hearings without formally voting on the bills being discussed. In these cases, the hearing is ended after a discussion with the following language:

“Thank you for attending this hearing. We have heard much valuable testimony that we will consider in our discussion of the bills. This meeting is adjourned.”

**Youth Forum Procedure**

### Teacher Instructions

Youth forum are student-led discussions of legal issues. They give students the opportunity to come together to debate issues that concern them. Forums are more formal than teacher-led discussions, with written procedures that enable students to take leadership roles, allowing teachers to step back and serve as consultants.

Forums can take between two and five class periods, depending on the complexity of the issues, the amount of additional research the students might want to do to prepare for the discussion, and the amount of time needed for discussion

**Procedure.**

**1.** The class selects five students to serve as the forum panel. The teacher might also select the panelists. Assign and prepare for roles as follows:

* 1. One student will serve as the chairperson of the forum.

* 1. Other panelists should be assigned to present the issues for discussion, providing brief history of the issues, why they were selected, suggesting some guiding questions, etc.

**2.** Other students prepare for the discussion by studying the issues. They may also be assigned to role-play the community-member roles if roles are provided in the lesson. They may also adapt the roles or create their own.

**3.** Teachers and students might identify community members to invite to participate in the forum. Community members may represent themselves or be assigned roles to play.

**4.** After students have had time to prepare, conduct the youth forum. The forum can involve students from one class, several classes, a grade level, or the entire school. As inclusive a discussion as possible is encouraged.

**5.** Comments made during the forum may be recorded and shared with others. If this is desired, a student should be asked to write down comments and summarize and report them.

**Student Handout: Youth Forum Chairperson Script**

#### **Introduction**

Welcome, and thank you for coming. My name is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and today I am serving as the Chairperson of this Youth Forum. The purpose of today’s forum is to hear from you‑‑your thoughts and concerns.

During this Youth Forum, there are some rules we would like everyone to keep in mind.

* Everyone will have an opportunity to speak. Please raise your hand; we will call on you in the order the hands are raised.
* Personal comments about anyone are not acceptable and will not be tolerated.
* We want to have a helpful discussion. We may ask clarifying questions so that we are certain that we understand what you are saying.

**Let’s begin.**

(One by one participants are asked to present their views. They should each have approximately five minutes to present their positions and answer any questions from the panel or the audience. If they are playing roles, they should answer questions in a manner consistent with their roles.)

**Conclusion**

It’s time to close today’s forum. I hope you enjoyed it. We heard a lot of valuable information. Thank you for participating.

**The Law School Game**

By Marty Conaty and the students at Hennepin County Home School

This activity can be used as a way to review any subject area.

**Teacher Instructions**

1. Have the students create their own law school by writing on 8 ½ x 11 sheets of paper terms that come from the law or law school experience. For example, the words “passed law exam” could be written in large letters on one sheet of paper. Other suggested terms include:

* Names of courses such as contracts, constitutional law, torts, criminal law, education law, criminal procedure, juvenile law, family law, business law.
* Study terms such as library, study break, study group, studying for test
* Performance terms such as passed test, failed test, rewrite brief, brief wins top honors roll again, skipped a class go back three, quiz answer another question
* Game instruction terms such as go back one, take a study break and lose one turn, go to library, got an “A”, jump ahead three

1. Students tape the sheets of paper together to make a square (similar to a Monopoly game). The square will be large, 8 to 10 squares on a side. Admitted to law school will be the first square, graduated from law school will be the last square.
2. Students also write the questions that they will have to answer. They can write questions for each unit of study. Questions should be short answer, true/false, or yes/no. Each question should be written on a 3 x 5 cards.

**To play the game:**

1. Divide the class into groups of 3-5. Each group will have one representative stand next to the Admitted to Law School Square on the game board.
2. The first student is asked a question. If he or she gives the correct answer, the student rolls the dice (a regular dice works fine, but a larger one that every one can see will be better). The student moves onto the game board and goes forward the number on the dice.

1. If the student does not give the correct answer, he or she must wait until the next round to try again.
2. A question is asked of a representative from the next team, and so on until each team has answered a question.

1. The students on the board switch places with someone else from their team. In this way, everyone gets to stand on the game board and everyone gets to answer a question.

1. If questions are difficult, the team might be permitted to work together to get the answer.
2. The team with the first representative to graduate from law school wins the game.

**Simple Mediation Process**

#### **Step 1: Introduction**

1. Introduce yourself
2. Explain the mediation process.
3. Describe the ground rules that will be used during the mediation.

* Everyone tells the truth.
* Everyone stays seated.
* Parties agree to try to solve the problem.
* Everyone gets the chance to speak.
* No one may interrupt.
* No name-calling or put-downs.
* No physical fighting.
* The mediation is confidential.

#### **Step II: Telling the Story**

1. Ask each side to tell their side of the story. Remind the disputants that they may not interrupt one another.
2. The mediator listens carefully and asks questions:

* Can you tell us how you feel about the problem?
* How long has this been going on?
* How long have you known each other?

3. Restate what is being said.

###### Step III: Identifying the Facts and Issues

1. Ask each party to summarize what he or she heard the other party say.
2. Have each person list the problems that need to be solved.
3. The mediator is responsible for making sure the mediation process is followed and the ground rules are obeyed.

#### **Step IV: Identifying Options**

1. Ask the parties to begin brainstorming a list of possible solutions to each issue. Explain the rules for brainstorming:

* list every idea whether or not it is a good idea.
* do not discuss whether an idea is good or bad.
* building on another's ideas is encouraged.
* the more ideas, the better.

***Step V: Evaluating the Options and Selecting the Solution***

1. Ask parties to describe their feelings about the ideas generated during the brainstorm, answering the following questions:

* What are the pros and cons of each idea?
* What are the consequences of each idea?
* Do you think the solution will solve your problem?
* Is this the best solution?

#### **Step VI: Reaching an Agreement**

1. The mediator helps the parties select the option that they can both agree to.

2. The agreement is written down with enough detail so that each person understands it.

3. Include a sentence about what the persons will do if they believe the other side is not upholding the agreement.

4. Have all parties to the mediation, including the mediator, sign the agreement. Provide each party with a copy of the agreement.

5. Thank everyone for trying to mediate the problem.

**Client Counseling Role-Play**

***Teacher Instructions***

Client Counseling Role-Plays provide students with the opportunity to develop a deeper understanding of the experiences of both clients and their counselors, to develop interviewing skills, to practice communication skills, and to learn content in a more meaningful and effective way.

# Steps

1. Ask all students to review the information contained in the lessons they will be using and to make notes, highlight, organize them so that they can be used more easily during the role-play. Transferring the most important points to 4”x 6” note cards can be very helpful. Color-coding information in relevant categories will also help.
2. Round One. Create teams of three people and assign roles. Give each team a number. Two members of each team will role-play counselors, one will role-play the client. Assign the letters “A, B” to the counselors and the letter “C” to the client. Ask them to remember their group number and individual letter.
3. Ask all students who are counselors to meet together and all students who are clients to meet together. Provide the following instructions for each group.

**Counselors:**

* Tell counselors their task is to determine what programs their clients can apply for. They will not have information about their clients until they meet them.
* Meet as a whole group and think about the questions counselors will need to ask? What information will be necessary for you to provide assistance and advice to your client. (For example, in the Public Assistance Client Counseling you will need to know whether the client has children, is disabled, has been on assistance before, etc.) Look at the materials reviewed in Step One for help in identifying the relevant information that must be obtained during the interview.
* Meet in counseling teams based on group number (see Step 2). Each team will have one “A” student and one “B” student. Ask them to design their interview. How will they interview their client? Who will make introductions? Who will ask what questions? How will the interview be ended?

## Clients

* Review your roles. Discuss as a large group the character you are being asked to role-play. How would she feel in the situation? What would her concerns be? What questions might she have. Understand her story so that you can be believable and you are prepared to answer the questions asked by the counselors. If you are asked questions you don’t have the answers to based on the facts in your role-play, make up your answers, keeping them consistent with your role.

1. Regroup according to the teams created in Step 2. Ask students to begin the role-play.
2. After approximately 10 minutes, ask them to complete their work and conclude their interviews. Remind them to complete the interviewing form.
3. Round Two. Repeat Steps 3-5. However, in this round groups stay the same but the “C” and “B” students are counselors and the “A” student is the client.
4. Round Three. Repeat Steps 3-5. However, in this round the “A” and “C” students are counselors and the “B” student is the client. This will give every student the opportunity to counsel twice and act as client once.
5. Debrief each role-play.

* Compare the results. What programs did they select for each client?
* How did they use the information they learned in the lessons?
* How did the counselors feel about asking questions?
* How did the clients feel about answering questions?
* What would they do differently if they did the role-play again?
* How is this similar to interviews in real life?
* How might they act differently the next time they are interviewed?

**Client Counseling Interviewing Form**

|  |  |  |
| --- | --- | --- |
| Client’s name | Date | |
| Address | | |
| Telephone: Daytime | Home | |
| Facts: | | |
| Additional Information needed: | | |
| Programs eligible for: | | |
| Counselor’s name | | Phone |