

Lesson: How to Objectively Analyze a Case

Objective: Demonstrate ability to think objectively; dissect court cases or scenarios to find pertinent issues; consider a public policy issue and the exercising of rights and limitations (*Colorado Model Content Standards: Civics, Standards 1.4, 2.4, 4.3, grades 9-12; Reading and Writing, Standards 4 and 5*)

Activities: Class discussion; homework assignment.

Outcomes: Develop the skills to examine and analyze court cases.

Grade Level: Grades 9-12

Anticipated classroom time: 45-60 minutes

Message from Colorado Supreme Court Justice Nancy Rice:

How to Analyze a Case Objectively

The legitimacy of trials depends on the notion that trials represent a “search for the truth.” In addition, in our system of justice, juries are supposed to base their verdicts on “what really happened.” We are all, to some extent, captives of our own backgrounds. Nevertheless, as lawyers and judges, we have to put aside our biases and prejudices, and think objectively about the cases presented to us.

The first step in analyzing a case is to analyze the witness statements. Not all witness statements need to be given the same weight, as some witness statements may be misleading as a result of misperception, forgetfulness, mistake, wishful thinking, reticence, embarrassment, or ignorance. Often, opposing witnesses will tell completely different versions of what they perceive as the truth. Thus, we sometimes have to decide which witness is telling the truth. To make this decision, ask yourself whether the witness experienced the events herself, or whether someone else told her about them and she is just speculating about what happened. In addition, ask yourself whether the witness has a good reason to lie — for example, she might get money or stay out of jail if her version is believed. Remembering that there are two sides to every story, objectively ask yourself, “What makes sense here? Which story is the most logical?”

Next, it’s important to match the witness statements to the “real” evidence in the case — pictures, documents, weapons, blood tests, contracts, and other evidence of that sort. If a witness’s testimony is completely contradicted by the “hard, cold facts,” then it’s unlikely to be objective true.

Finally, remember that a case is decided on more than just its facts. An objective assessment of the applicable statutes and controlling case law is always necessary.

Class discussion: Discuss with the class the definition of objectivity and being objective. Read through the scenarios below and elicit class discussion about what is fair and unfair. Explain the difference between sympathizing or empathizing with people and actually feeling that they were “wronged” in some way.

Selections from the definition of **ob·jec·tive** (əb-jĕk'tīv): *adj.* Uninfluenced by emotions or personal prejudices: *an objective critic*; based on observable phenomena; presented factually: *an objective appraisal*. Source: *The American Heritage® Dictionary of the English Language, Fourth Edition*. Copyright © 2000 by Houghton Mifflin Company. Published by Houghton Mifflin Company. All rights reserved.

A high schooler is at a party, and it's nearing midnight. He knows he needs to leave soon to make his curfew, but none of his other friends are leaving. He finally decides to go, not wanting to risk being grounded. On his way home, he is stopped for speeding and given a \$75 ticket. He thinks this is unfair, since he was only leaving the party to obey his parents' rules. If he had stayed at the party, he wouldn't have been pulled over at that time, and he would have saved his driving record and wallet. Was it unfair of the police officer to give him a ticket?

A new girl is trying out for the soccer team. At her former high school, she was the captain of the team and excelled at the sport. During her tryout, she trips three times, doesn't kick a single ball into an empty goal, and allows fifteen goals to be scored on her. She doesn't make the team. She knows she was having a bad day and believes she is better than most of the girls who made the team. Was it unfair of the soccer coach not to give her another chance or grant her a spot on the team based on reputation?

A boy is finishing his government homework during study hall. A girl comes up to him, explains that she didn't have time to do the assignment, and asks to copy his answers. He reluctantly agrees. A few days later, the teacher calls both of them into the classroom and comments on the similarity of their answers. In fact, she says, their responses are identical. She asks for an explanation. Both students remain silent. The teacher says she has no choice but to give them both failing grades. Was it unfair of the teacher to give the boy who did his own homework the same punishment as the girl who copied?

Read the synopsis of the appellate court case to be argued at your school.

How would you rule?