

Social Media and Student Rights: *Student Rights, Wrongs, and Responsibilities*

Suggested Procedures

Learning Objectives That Support National Social Studies Standards

- To give every participant – student attorneys and jurors – an opportunity to debate a teen relevant topic before a federal judge in a courtroom, coached by two attorneys.
- To introduce students to the concept of precedent by applying *Hazelwood v. Kuhlmeier* to a fictional high school social media scenario.

Program Overview in a Nutshell

After the large-group orientation by volunteer attorney coaches, and some small-group time working with the student attorneys, the courtroom arguments begin. Student attorneys argue scripted talking points – and their own opinions, if they wish to add them – in response to three scripted questions raised by the host judge. The student attorneys are pre-selected by their teachers. They are the only students who have access to the materials in advance. They must be able to read the points comfortably, but not memorize them. Student attorneys present their points on each side of the judge’s questions. Closing arguments are presented by either the fourth student attorney on each team, or the adult attorney coach, or by a combination of the student and adult attorney on each side.

All other students are jurors, who do not see the advance materials. They participate fully in the courtroom action during the virtual jury deliberations. The floor is opened to student jurors who voice their opinions and debate the issues – as if they were in a jury room. The judge does not raise questions and the jurors cannot interact with the student attorneys, adult attorneys, or judge – just each other – because they are in a virtual jury room right in the courtroom. This gives the student attorneys and adults a fascinating window into the jury room.

When the deliberations wind down (in 20-30 minutes) the judge asks for a show of hands to determine which side of the issues prevailed. The *moderator* counts the hands and declares the winner. The attorney coaches debrief with an explanation of the Supreme Court ruling in *Hazelwood v. Kuhlmeier*. They apply the precedent to the fictional scenario. The program ends with a Q/A session, informal social time, and (optional) lunch.

Logistics . . .

Orientation

As the participants settle in the courtroom, they receive a one-page (front and back) scenario describing the FaceLook controversy at fictional Forks High School. The attorney coaches work with the student attorneys for a few minutes while the other students are seated. The attorney coaches present background about the precedent-setting case *Hazelwood v. Kuhlmeier* that will be applied to the fictional scenario. They take the students through the fictional vampire scenario and explain how the arguments and jury deliberations will be conducted in the courtroom. The orientation prepares the students for full participation. After the orientation, the group takes a break to give the student attorneys an opportunity to work with their attorney coaches for a few more minutes.

Roles

Program Moderator: This person does not need to be a lawyer. He/she facilitates the program and keeps it moving. Notes for the *moderator* are in ***bold italics*** throughout the procedures.

Judge: In advance, the judge takes 30 minutes to review the program materials, agenda, and talking points. In the courtroom, the judge asks the scripted questions that the students are prepared to answer with their scripted arguments. Gauging each student's comfort level, the judge follows up with a spontaneous question or two for each student attorney.

Student Attorneys: Four students on each side of the issue (total of eight students) have been pre-selected by their teacher(s). They have reviewed the materials in advance. They should be able to read the scripted arguments easily, but should not memorize them. The arguments start with the easiest points to make, which are read by student attorney #1 on each side and get progressively more difficult for student attorneys #2 and #3, who also are reading scripted remarks. Student attorney #4 is not scripted. This role should be given to a student who can summarize the key points and make closing arguments based on his/her notes and thoughts during the debate. In this way, the program is designed for students of all abilities and aptitudes and willingness to participate on different levels.

Attorney Coaches: Two attorneys (one for each side) review the materials in advance, for about an hour. On the day of the program, they work with the students in the courtroom (1) while the other students are settling down, (2) during the break before the debate begins, and (3) at the counsel tables during the debate in front of the judge. After the closing arguments, the attorney coaches may help the student jurors form their arguments when the jurors work in two smaller groups for a few minutes before the deliberations start. When the deliberations start, the attorneys may no longer be involved.

Jurors: All other students are jurors. All students can be actively involved, regardless of abilities and aptitudes. The jurors sit in the audience/gallery. (1) **During the arguments**, all jurors have the opportunity to move from one side of the gallery to the other to sit behind the team whose statements they agree with, for the moment. (2) **After the arguments**, jurors sit on the side of the courtroom behind the team whose position they, finally, support. (3) **Once they have chosen sides**, the jurors gather together in the gallery behind the team they support and work with the adult attorney coaches for a few minutes to prepare arguments that support their side. (4) **When the moderator decides it is time, the attorneys return to their counsel tables and the deliberations in the gallery begin.** Jurors on each side raise opinions and questions that challenge the jurors on the other side of the gallery. (5) **At the end of the debate**, jurors vote for the side that persuaded them.

More Logistics . . .

Courtroom Arguments: Scripted and Unscripted Questions and Answers

The judge asks scripted questions that are in the advance materials. The students respond with scripted answers in the advance materials. The judge follows up with each student attorney by asking an unscripted question or two. Students offer their own opinions in response to the spontaneous questions. There are no right or wrong answers.

Closing Arguments

The judge calls for the closing arguments from each team, starting with the affirmative. In advance of the courtroom program, the courthouse coordinator decides, in consultation with others, how the closing arguments should be handled. Here are three options:

- **Option 1:** The last (fourth) student for each side makes closing arguments based on his/her thoughts and notes during the debate. This is an excellent challenge for some students.
- **Option 2:** The adult attorney coaches can handle the closing arguments alone. This would eliminate the need for a fourth student debater.
- **Option 3:** The adult attorney coaches can do most of the closing arguments but include a fourth student to assist.

Virtual Jury Deliberations

After the closing arguments, the *moderator* opens the floor to the jurors for 20-30 minutes of preparation and virtual jury deliberations. Jurors are to address their arguments to each other – not the student attorneys, adult attorneys, or judge. This is the jurors’ chance to deliberate and fully participate. Student questions and comments for the judge and attorneys are held until the debriefing session.

Jury Voting

At the conclusion of the deliberations, the judge asks the jurors to vote, by a show of hands, for the side of the question they support, based on all the arguments presented by each team of student attorneys. The *moderator* counts the votes and announces the results. The judge asks for volunteers to explain their votes.

Debriefing

The attorney coaches explain the Supreme Court’s ruling in *Hazelwood v. Kuhlmeier* and how it applies to the fictional scenario. The judge starts the Q/A session about the debate, then opens the floor to any topic. The courtroom program concludes with social time and lunch.