



How do courts count?

Time Frame: 4-5 days	Author: Mary Ellen Daneels - Instructional Specialist, Robert R. McCormick Foundation.
Proven Practices <ul style="list-style-type: none"> ✓ Instruction on government institutions ✓ Use of current & controversial issues ✓ Simulations of democratic practices ✓ Service Learning 	
<u>IL Social Studies Standards</u> <u>SS.IS.2.9-12: Determining Helpful Sources:</u> Develop new supporting and essential questions through investigations, collaboration, and using diverse sources. <u>SS.IS.5.9-12: Developing Claims and Using Evidence:</u> Identify evidence that draws information from multiple sources to revise or strengthen claims. <u>SS.IS.7.9-12: Communicating Conclusions:</u> Construct and evaluate explanations and arguments using multiple sources and relevant, verified information <u>SS.CV.4.9-12:</u> Explain how the U.S. Constitution established a system of government that has powers, responsibilities, and limits that have changed over time and are still contested while promoting the common good and protecting rights <u>SS.CV.7.9-12:</u> Describe the concepts and principles that are inherent to American Constitutional Democracy. <u>SS.CV.9.9-12: Processes, Rules, & Laws:</u> Evaluate public policies in terms of intended and unintended outcomes and related consequences.	<u>CCSS/ELA History/Social Studies Standards</u> <u>CCSS.ELA-LITERACY.RH.11-12.1</u> Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole. <u>CCSS.ELA-LITERACY.RH.11-12.6</u> Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence. <u>CCSS.ELA-LITERACY.RH.11-12.9</u> Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
Driving Essential Question: Are the branches “balanced”? Alt: How <i>should</i> courts interpret the law?	
Supporting Questions: <ul style="list-style-type: none"> • How do courts interpret the law? • Why do judicial interpretations often appear to be political? • How does the U.S. Supreme Court decide what cases to decide? • What current issues are before the U.S. Supreme Court? 	



Resources Required w/Citations:

- Constitutional Interpretation Activity - *Minnefornia* from Street Law. Available at <http://streetlaw.org/Documents/Document/Document/1178>
- *Supreme Court Nominations* from Icivics.org. Available at <https://www.icivics.org/node/2500268>
- *Originalism vs. Living Constitution* video. C-SPAN. Available at <https://www.c-span.org/video/?c4507562/originalism-living-constitution>
- *How does a case get to the Supreme Court?* - video from Vox. Available at <https://www.youtube.com/watch?v=KEjgAXrkXY>
- *Granting Certiorari* Activity by Street Law. Available at <http://streetlaw.org/Documents/Document/Document/1420>
- Four Corner Formative Worksheet by Mary Ellen Daneels. Available at <https://tinyurl.com/4-square-formative-courts>
- How do courts count? Powerpoint by Mary Ellen Daneels. Available at <https://tinyurl.com/How-courts-count-ppt>
- 2019-2020 U.S. Supreme Court Cases available at <https://www.oyez.org/cases/2019>
- Jigsaw Worksheet available at <https://tinyurl.com/SCOTUSJigsaw>

Recommended Procedures:

Note: There is a slide show to guide you and students through inquiry for your use and revisions.

- 1) Pass out Four Square Formative Worksheet and introduce students to questions guiding the inquiry
- 2) Instruct students that they will be engaging in a simulation of a democratic process and “interpret” the law. Pass out the *Minnefornia* Cases, read through the introduction and have students “interpret the law”.
- 3) Have the students engage in a quick pair share with their “elbow partner” to briefly discuss their decisions.
- 4) Read through each case to the class and have students give a “thumbs up/down” for each case and briefly discuss their reasoning. Then, share responses from answer key.
- 5) Show slide 7 and have students record in the top left box of their four square worksheet how each element listed can be used by the courts to “interpret” the law per the *Minnefornia* simulation.
- 6) Pass out the worksheet from icivics.org “Supreme Court Nominations (Reading Side B)” and have students underline material that answers the question, “Why do judicial interpretations often appear to be political?” (see slide 6).
- 7) Watch the C-SPAN clip and have students note the difference between original and living document theories of interpreting the Constitution.
- 8) Have students get into small groups and complete the Supreme Court Nominations activity from icivics.org
- 9) When students are finished, use the key to check their work.
- 10) After the Supreme Court Nomination activity, have students further respond to the prompt in the top right box of the four square worksheet, “Why do judicial interpretations often appear to be political?”
- 11) Have student view the clip from Vox and take notes on “How does the Supreme Court decide what cases to decide?” on bottom left box of four square worksheet.
- 12) Have students read pages 1-4 from Street Law’s “Granting Certiorari” and add more information to bottom left box.



- 13) Put students into groups of 9 or so. Instruct them that they are going to simulate a democratic process and play the role of Supreme Court justices and decide to grant cert. Instruct students they will have 4-5 minutes per case, so they must work fast.
- 14) Pass out pages 5-10 from the "Granting Certiorari" materials from Street Law and begin. Prompt students every 4-5 minutes to switch cases.
- 15) Go through each case and have student share if their "court" decided to issue writ. Discuss any differences and then share correct answers per page 11 of the Street Law packet.
- 16) Have students add details per the Granting Cert activity about how the Supreme Court decides which cases to decide.
- 17) Read final supporting question to the class, "What current issues are before the U.S. Supreme Court?"
- 18) Pre-select four cases before the court this term that you think might be of interest to your students. "Jigsaw" each of the cases to $\frac{1}{4}$ of the class, having them respond to the questions on slide 14 on the jigsaw worksheet.
- 19) Have students form small groups of 4, each individual representing a different case. Have students take notes on the jigsaw worksheet.
- 20) At end of jigsaw, have students respond to the final question on their four square formative assessment guide.

Differentiation:

- Advanced students may curate further sources on the issue for the jigsaw.
- The [Rewordify app](#) can help simplify complex language.
- A close reading of texts can be done in small groups or as a large class read-aloud.

Possible Assessments:

- Detailed outline or essay responding to the essential question.

Other Considerations:

If norms for classroom deliberations have not been established, here are some resources teachers can use to scaffold civil discourse.

- [Conducting a Civil Conversation in the Classroom](#) by CRFC
- [Contracting](#) by Facing History and Ourselves