



Moot Court (Utilizing Masterpiece Cakeshop vs. Colorado from Street Law)

Time Frame: 2-3 class periods	Author: Chris Jaegle
<u>Proven Practices</u> <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> <p>SS.CV.8.9-12 Analyze how individual use and challenge laws to address a variety of public issues</p> <p>SS.CV.3.9-12 Analyze how the impact of Constitutions, laws, and agreements on the maintenance of order, justice, equality, and liberty.</p> <p>SS.IS.4.9-12: Gather and evaluate information from multiple sources while considering the origin, credibility, point of view, authority, structure, context, and corroborative value of the sources</p> <p>SS.IS.6.9-12: Construct and evaluate explanations and arguments using multiple sources and relevant, verified information.</p>	<u>CCSS/ELA History/Social Studies Standards</u> <p>Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed. (CCSS.ELA-Literacy.SL.11-12.1b)</p> <p>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. (CCSS.ELA-Literacy.RH.11-12.1)</p> <p>Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks. (CCSS.ELA-Literacy.SL.11-12.4)</p>
Essential Question: What is the balance of individual freedoms and the common good? (Course question)	

**Supporting Questions:**

How can the judiciary balance the individual rights with the common good? (unit/lesson question)
Does enforcement of Colorado's anti-discrimination law require Masterpiece Cake Shop to create expression in a way that violates the baker's free speech or free exercise rights under the First Amendment?

How do Justices interpret the Constitution?

Resources Required w/Citations:[Street Law](#)

Resources on SCOTUS in the Classroom, holding moot courts.

Readings on the case https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-111_f314.pdf <http://www.scotusblog.com/case-files/cases/masterpiece-cakeshop-ltd-v-colorado-civil-rights-co-mmj/>

<http://www.scotusblog.com/2017/09/wedding-cakes-v-religious-beliefs-plain-english/>

<https://www.nytimes.com/2017/11/06/us/politics/gay-wedding-cake-free-speech-first-amendment-supreme-court.html>

National Constitution Center

[Interactive Constitution](#)



Recommended Procedures:

- Show [video](#) to introduce case to students
- Have students read the background of the case on [Street Law](#) and answer background [questions](#) for homework
- Make sure students are clear on the background and facts of the case. Could use strategies such as:
 - Cubing
 - Could do an initial 4 corners or philosophical chairs
 - Think-Pair-Share regarding the reading
- The next day when students come in have them already divided into three groups (Petitioner, Respondent, Justices)
- Show and explain each role ([Here](#))
- Moot Court Structure and Explanation ([here](#))
- Allow time for students in their groups to either generate their arguments or questions (Justices)
- Begin Moot Court
 - 5 min Petitioner
 - 5 min Respondents
 - 2 min rebuttal Petitioner
 - 2 min rebuttal Respondent
 - Justices ask questions throughout
 - Justices deliberate and issue opinions

Possible Service Learning Informed Action:

- Writing an elected official regarding their position
- Investigate other current cases before the Supreme Court -think about legislative action that could be taken to resolve the issue and write an elected official (Does Illinois have an anti-discrimination law similar to Colorado's? Is it Constitutional? Have any similar issues been encountered in Illinois similar to that of the Masterpiece case?)
- Write a letter to the editor or design a political cartoon

- Invite a guest speaker (Constitutional Law expert, politicians or lawyers who could present both sides of the case and issues at stake)
- Initiate an informed conversation

**Differentiation:**

- Students who struggle with homework completion may need support in answering questions day prior in class with more support of videos and small segments of articles shared to ensure that background knowledge of case is adequate.
- Students can take turns as to who will offer arguments and then rebuttals depending on comfort level.

Possible Assessments:

Self Assessment and Reflection [Street Law](#)
Self Assessment and Reflection ([Google Form](#)) Socratic
Seminar on issue (Candice)

Other Considerations:

- Could have justices write opinions and have other students analyze
- After opinions could have students do a “philosophical chair” or A/D activity to express personal opinions on the case.

Now that opinion has been issued on this case (6/4/18) you could then have students analyze the majority and dissenting opinions.

[NY Times Op-Ed](#)

[SCOTUS Blog Analysis](#)

- I have assigned students to their roles in the past which with this particular case is interesting since students did have emotional attachments to each side. I think giving them the sides while making many students unhappy had enormous benefits. It really forced to students to look at the Constitutional issues at stake here and not the emotional responses. Many students in their reflections after spoke about how being on the other side of the case was tremendously beneficial...helped them to have empathy for the other side. (SEL)