



Judges in the Classroom

Rights and Responsibilities

Source:

Tarry L. Lindquist, educational consultant, adapted this lesson from materials from Justice Education Teaching Strategies (JETS-5), Pennsylvania Department of Education; the lesson is used with permission. Staff at the Washington State Administrative Office of the Courts (AOC), edited the lesson and updated the lesson in 2019. For more information, contact AOC, Temple of Justice, 415 12th Ave SW, PO Box 41174, Olympia, WA 98504-1174. For an electronic copy of this lesson, or to view other lesson plans, visit Judges in the Classroom on the Washington Courts Web site at: www.courts.wa.gov/education/.

Objectives:

1. Students will list whose rights and whose responsibilities are involved in actual cases.
2. Working in small groups, the students will arrive at a verdict for an actual case.

Grade Level:

Grades 4-6

Time:

One class period (approximately 50 minutes)

Materials:

One copy of Handout 1 (You Are the Judge) for each student

One copy of Handout 2 (Rights and Responsibilities Chart) for each group of four students

Procedures:

1. **Begin the class by introducing yourself** to the students and telling a little bit about what you do, if this is your first class.
2. **Tell the students they will be the judge** in an actual case after you discuss with them the ideas of dual responsibilities and rights.

3. **Ask students the following questions:**

Q: What does dual mean?

A: Having two of anything.

Q: What does it mean to have a responsibility?

A: Having a job to carry out; something that you have to do.

Q: What does it mean to have a right to do something?

A: A power which American citizens can claim.

Q: What do you think it means when we talk about the dual responsibilities and rights of citizens?

A: The class will try to answer this question by working on a group exercise.

4. **Ask the class to get into groups of four.** Assign each group a case as you pass out copies of Handout 1 (You Are the Judge) to the members of each group. You will probably have two to three different groups working on the same case. Ask the students to read their case silently.

5. **Pass out one copy of Handout 2** (Rights and Responsibilities) for each group. Ask the groups to choose a recorder and then work cooperatively to list the rights and responsibilities of those involved in the cases in Handout 1. When they have finished their list, they should read the question and come to a group verdict. They will be asked later to share their list, give their verdict, and share the reasons for their decision with the whole class. Ask students if they understand the group assignment.

6. **Move among the groups as they are working.** Encourage, question, and answer questions. (Can you tell me what you're thinking about here? That sounds like good thinking. Is there anything here that puzzles you? Are you able to come up with both rights and responsibilities for the people involved in the case?)

7. **Give the students a time signal** when you are about to close the small group activity. This activity will probably take about ten minutes for this age student, so after about eight minutes tell them they have about two more minutes. However, some classes may take longer. Your observation of student interest and participation will be the best guide as to when to move on with the lesson.

8. **Read aloud** The Gingerbread Man Case, which is the first case on Handout 1.

Case: Shepard was feeling wild. It was a holiday and he was in the market watching a crowd of people buy food and play games in the open market hall. He took a firecracker out of his pocket, lighted it, and tossed it inside the building where it sizzled through the air and fell on a gingerbread stand owned by Yates. Willis, who was standing nearby, picked up the burning firecracker and threw it away. It landed on another gingerbread

stand owned by Ryal who threw it out in the crowd where Scott was standing. The firecracker hit him in the eye and caused him to be blind in that eye.

Group Task: List the rights and responsibilities for the people in this case. Then, pretend you are the trial court judge. How would you rule in this case? Can Scott make Shepard, Willis, or Ryal pay for his lost eye and doctor bills? Give reasons for your decision.

9. **Ask the recorders for each group** dealing with this case to stand. Elicit from the recorders the list their groups generated regarding rights and responsibilities. You might ask the first recorder to read one, then a second recorder to share one, and so on, revolving around the recorders for that case until all the rights and responsibilities have been identified.
10. **Ask for each small group's verdict.** Record it. Ask for reasons. Explore the differences, if any.
11. **Share the verdict** of The Gingerbread Man Case. Discuss questions and respond to comments the students have regarding the verdict.

Verdict: Shepard had to pay all of Scott's bills and a lot of money to him because Scott would have only one eye to see with for the rest of his life. One judge thought that because the firecracker had stopped moving when it fell on Yates' booth, the damage it caused after that was no longer Shepard's fault.

The rest of the judges decided that because Shepard had started the whole thing, he should be responsible for what happened, since both Willis and Ryal were only trying to get rid of a dangerous, lighted firecracker in a hurry. This was the natural thing to do under the circumstances and not something for which they should be held responsible. *Scott v. Shepard*, 2 Wm. B1. 892, 96 Eng. Rep. 525 (1773)

12. **Repeat the process with** The Kick in the Shin Case, which is the second case.

Case: Putney and Vosburg were eleven-year-old boys who sat across from each other in school. Putney gave Vosburg a kick in the shin. The kick was so small that Vosburg didn't feel it, but there was already a wound in his leg. The kick disturbed the wound and a serious infection developed. Doctor bills were high. Could Vosburg collect money from Putney and his family to pay for his bills? When the case was brought to the trial court, the jury voted that Putney should pay Vosburg \$2,500. The case was appealed to a higher court.

Group Task: List the rights and responsibilities for the people in this case. Then, pretend you are the appellate court judge. Will you uphold the jury's decision? Give reasons for your decision.

Verdict: Putney lost his appeal. Even though he had not intended to hurt Vosburg badly, as shown by the fact that the kick was not even felt, Putney did intend the kick that barely touched Vosburg. This is called a battery, an act that is against the law. The intent Putney had to kick Vosburg was enough to make him responsible for anything harmful resulting from the kick, even though there was already a wound in Vosburg's leg and without it there would not have been any infection at all.

Vosburg v. Putney, 80 Wis. 523, 50 N.W. 403 (1891)

13. **Repeat the process with The Case of the Foul Ball**, which is the last case on Handout 1.

Case: Hudson was 65 years old. He paid for a reserved seat at a baseball game and was hit by a foul ball and hurt. At the trial, he told the court he thought the seat he was buying was protected by wire netting. It wasn't. Hudson argued that the Kansas City Baseball Club should pay his bills because it did not protect the grandstand where he sat and it did not warn him of his lack of protection.

Group Task: List the rights and responsibilities for the people in this case. Then, pretend you are the trial court judge. How would you rule in this case? Can Hudson make the Kansas City Baseball Club pay for his medical bills? Give reasons for your decision.

Verdict: Hudson lost. The judge pointed out that Hudson should have seen that he wasn't behind a net since there was no proof that his vision was poor. He had been to baseball games before and knew, or should have known, that there was a chance a ball would come through and hit him. He chose to remain and should not expect to be paid for injuries. The principle on which this decision was made is called "assuming the risk," and simply means that when you know you may be hurt doing something but choose to do it anyway, it is your own fault if you get hurt.

Hudson v. Kansas City Baseball Club, 349 Mo. 1215, 164 S.W.2d. 318 (1942)

HANDOUT 1

You Are the Judge

The Gingerbread Man Case

Shepard was feeling wild. It was a holiday and he was in the market watching a crowd of people buy food and play games in the open market hall. He took a firecracker out of his pocket, lighted it, and tossed it inside the building where it sizzled through the air and fell on a gingerbread stand owned by Yates. Willis, who was standing nearby, picked up the burning firecracker and threw it away. It landed on another gingerbread stand owned by Ryal who threw it out in the crowd where Scott was standing. The firecracker hit him in the eye and caused him to be blind in that eye.

You are the trial court judge. How would you rule in this case? Can Scott make Shepard, Willis, or Ryal pay for his lost eye and doctor bills? Give reasons for your decision.

The Kick in the Shin Case

Putney and Vosburg were eleven-year-old boys who sat across from each other in school. Putney gave Vosburg a kick in the shin. The kick was so small that Vosburg didn't feel it, but there was already a wound in his leg. The kick disturbed the wound and a serious infection developed. Doctor bills were high. Could Vosburg collect money from Putney and his family to pay for his bills?

When the case was brought to the trial court, the jury voted that Putney should pay Vosburg \$2,500. The case was appealed to a higher court.

You are the appellate court judge. Will you uphold the jury's decision? Give reasons for your decision.

The Case of the Foul Ball

Hudson was 65 years old. He paid for a reserved seat at a baseball game and was hit by a foul ball and hurt. At the trial, he told the court he thought the seat he was buying was protected by wire netting. It wasn't. Hudson argued that the Kansas City Baseball Club should pay his bills because it did not protect the grandstand where he sat and it did not warn him of his lack of protection.

You are the trial court judge. How would you rule in this case? Can Hudson make the Kansas City Baseball Club pay for his medical bills? Give reasons for your decision.

HANDOUT 2

You Are the Judge Rights and Responsibilities Chart

Directions: Choose a recorder and then work cooperatively as a group to list the rights and responsibilities of those involved in the case your group is assigned from Handout 1. When your group finishes its list of rights and responsibilities, read the question at the end of your case on Handout 1 and come to a group verdict. Give reasons for your group's decision.

WHO	RIGHTS	RESPONSIBILITIES
Example: Shephard	To celebrate holiday	Not to hurt others while celebrating