

Communication Applications: American Court System Case Study Unit

Therisa Callier

Middle College for Technology Careers

What's right with America is a willingness to discuss what's wrong with America.

--Harry C. Bauer

INTRODUCTION

I have found that many students are not motivated by the traditional standards of teaching a subject that has an historical reputation of being the epitome of boredom. The English Language Arts subject Communication Applications fits this category for most high school juniors and seniors. This class has a long-standing reputation of being extremely dull. Additionally, the students of the twenty-first century are inundated with what educators and parents have termed an apathy-powered narcissistic attitude regarding the value of education. Educators and parents must impress upon our students and children the necessity of education as an important factor improving their quality of life.

However, our children's values are distorted, not by their own doings, but by our neglect to instill in them values we have assumed they would inherently achieve. This includes teaching our future the value of writing, research, preparation, speaking, and presentation techniques. The Communication Applications American Court System Case Study unit involves all these factors, plus it acquaints the student with the reality of real life and life altering situations.

The study of due process of American citizens' civil rights has not been a priority to secondary students or educators. As educators, we have taught students how to present, how to write, and how to analyze information including the amendments, but I feel we have not instilled in them the complexity of due process, the civil rights laws, and the consequences when those rights are violated or not understood. As educators, we are responsible for their future, which will ultimately become our future. Therefore, we must emulate the best qualities of our mentors and improve upon their techniques if we are to ensure our future through our children. But the challenges our mentors faced are pale in comparison to the challenges we, as educators and parents, confront daily. Our competition is a lethal combination of student complacency, lethargy, and recreational technology. One method is to help students understand the power of writing, creativity, research, and speech, and how these skills can be incorporated while learning how the American court system works. These elements, coupled with perpetually changing technology, can become challenging to twenty-first century students if educators present the combination in an appealing content.

The student population of my school reflects that of a typical inner city community. Our curriculum is the Texas Scholars Curriculum, which emphasizes advanced placement core curriculum studies. We are a magnet, village, concept-based technology school,

rated exemplary for the last five years. Situated between two historic universities, Texas Southern University and the University of Houston, our 300-plus high school student population is an eclectic mixture of cultures, races, academic achievements, and family economics and demographics. In order to be considered for enrollment, students must have an overall grade average of eighty (80) in major academic courses, standardized test scores at or above grade level, and acceptable attendance and conduct performance. These student requirements and demographics are acceptable conditions for this type of unit study.

Therefore, a unit such as the American Court System Case Studies Project is an excellent curriculum for junior and senior level high school students. Because mine is an inner city school, according to police reports, the types of crimes committed in our community are represented in some of the cases the students will research (HPD 2003). Although these crimes are not characteristic only of inner city communities, and most of the students do not live in this community, the issues of the legal process, including due process and civil rights, remain subjects of interest. The issues of research and writing have just the opposite of interest among most students. Students are familiar with the concept of due process of the law, but they are not familiar with what it takes to understanding the workings of the legal process.

In the seminar, “The Process of Justice: How American Courts Work, from Top to Bottom”, we learned that the constitutional provision for due process is actually a conduit for the Bill of Rights. Due process reflects the language of the Magna Carta and the 1689 English Bill of Rights. This language was also used in the development of the words in the first ten amendments of the American Constitution, also called the Bill of Rights. Due process is also the conduit for the Bill of Rights and the Fourteenth Amendment. From the seminar lecture, we learned that four major objects are derived from the Bill of Rights (Crump, Day, and Gressman 2002):

- (1) Due process enforces the first eight amendments;
- (2) Due process creates procedural process against state laws;
- (3) Due process creates personal realms of autonomy; and
- (4) Due process protects only against abuses of power that deprive a citizen of liberty, life, and pursuit of happiness.

The interesting thing about the First Amendment was that it was not originally established to protect what we now know as the freedom of speech but as a more limited protection that would allow effort to restrict criticism of the government. The Sedition Act of 1798, for instance, fined persons for printing any untruth about government officials and the government. The act was later repealed, being ruled by the nineteenth century American government as unconstitutional (Crump, Day, and Gressman 2002).

The Communication Applications American Court System Case Study unit will allow students to learn the function of due process in the American court system through

research and expository writing. Students will also learn that the First Amendment is the foundation for the Bill of Rights and the Fourteenth Amendment. In this project, students will not only research decided cases, but will also research how the cases could have been otherwise determined. In writing counter arguments, students will develop the skills to write creatively while using research techniques as the basis for this creativity. This expository writing will also help students to form opinions and ideas and most importantly to understand why they care about these opinions. Historical value, personal value, and the value of additional processing, as discussed in the seminar, will be applicable in this project. The research methods, which will include the applications of Bloom's Taxonomy's higher order critical thinking skills, coupled with the combination of the global brain theory and the World Wide Web, will be incorporated by students as they complete the unit. Additionally, through this process, students are capable of authoring their own epistemology.

WHY WHAT STUDENTS WILL LEARN IS IMPORTANT

This unit is designed to join the study of court cases, due process, and the amendments, with the creativity of students researching how the consequences of history, precedents, and cultural mores might have affected the cases if the cases had been otherwise decided. The students, through various presentations, will come to understand the importance of speech, the applications of persuasive and informative tools, and the significance of paralanguage. With assignments such as these, secondary students also gain skills in social dynamics, group work, and learning to collaborate, create, compromise, and capitalize on their combined strengths and weaknesses. Individually and collectively, students will discover how critical higher order thinking skills can be used in their studies as well as their life skills.

Unit Activities

In the seminar, we studied the civil case, "Dominguez vs. Scott's Food Stores" and the criminal case, "The State of Texas vs. Albert Delman Greene." In these cases, the discussion centered on due process and the penal code, respectively. During the seminar, discourse focused on the origination of each case, and the importance of court transcripts, police reports, witness reports, and verdicts of each case. Also the cost of litigation was discussed and the decision as to which strategy should be employed because of projected outcome and court costs (Berman and Crump 2001). Justice is reported to be blind; however, the better Justice's clients are economically situated, it appears the sharper Justice's other senses becomes.

Through the seminar, Professor Crump guided the class through the thinking process of the actual cases we were studying. To support our thinking, we discussed in detail the notes and questions regarding the investigation and court costs, which in my opinion, was vital to understanding the thinking of the courts and legal representatives. Understanding the importance of real cases is the basis of the unit study. Understanding how these cases

could have been decided through counter arguments is the basis of the students using their research and higher order thinking skills.

Examples of the type of cases students will examine are the United States vs. Cortez (1979); Frisbie vs. Collins (1952); Reno vs. American Civil Liberties Union (1997); and Pennsylvania vs. Muniz (1990). These cases represent opportune situations in which students must do explicit research and use creativity in presenting a convincing argument sustaining how a possible reversal of the original verdict could occur. The subject matters are explicitly due process, criminal, and civil rights arguments (www.FindLaw.com).

The case of the United States v. Cortez is one that involves probable cause dealing with vehicle searches. In this case, Cortez (who was given the name “Chevron”) is suspected of smuggling illegal aliens into the United States. Arizona’s border patrol officers found his trail of footprints in the Arizona desert near the border. Officers later set up an observation point in which they saw a camper traveling in the early morning hours, which made a round trip in an area with a small population. The time and the area in which the camper was traveling caused officers to suspect Cortez of smuggling aliens. The officers stopped the camper, finding Cortez and six illegal immigrants. According to the transcript, the border patrol was already suspicious that “Chevron” was trafficking immigrants. Cortez was found guilty during the original trial but was later appealed based on the argument that his Fourth Amendment rights were violated (www.FindLaw.com). The possible question for the student group could be, if Cortez’s appellate case had been tried properly and his Fourth Amendment rights not found violated, could the original verdict remain valid instead of Cortez being acquitted? Could Cortez be indeed guilty of trafficking illegal immigrants into the United States? Was his Fourth Amendment right violated?

The Frisbie v. Collins (1952) case takes place in two different states, Illinois and Michigan. Mr. Shirley Collins, convicted of murder in Michigan, was allegedly kidnapped in Chicago, Illinois by Michigan law enforcers. He believed that his rights were violated when he was kidnapped and brought to Flint, Michigan by the Michigan police, resulting in his conviction of murder and sentence of life in prison (www.FindLaw.com). Questions for the student group might refer to civil rights violations and lack of due process. How could Collins’ civil rights have been violated? Was it legal to transport him from one state to another without court proceedings in the state where he was found? Were his Fourteenth Amendment rights violated? If so, how did these violations affect the outcome of his trial?

Reno v. American Civil Liberties Union (1997) is a case that questions whether the First and Fifth Amendment rights of children under the age of eighteen were violated by World Wide Web sites like pornography and other adult-type sites. This case took place from March 19, 1997 to June 26, 1997, during the time Janet Reno was the Attorney General of the United States and the popularity of the World Wide Web had increased

beyond speculation (www.FindLaw.com). One of Reno's responsibilities was to secure changes in the United States that would benefit and protect the well being of all children under the age of eighteen. Reno's responsibilities included enforcement of a law called the Communications Decency Act (CDA), which stated that all persons under the age of eighteen must be monitored on the Internet. The ACLU argued that the law cannot be passed because it is a violation of the First and Fifth Amendments, and Reno lost the case (www.FindLaw.com). Should a law be established to protect children under the age of eighteen from adult internet sites? How would this law violate the First and Fifth Amendment rights of minors? How do child labor laws differ from the law Reno attempted to pass?

Pennsylvania v. Muniz (1990) was a case that considered the Fourth and Fifth Amendment rights of Inocencio Muniz. Mr. Muniz was arrested while driving under the influence on a Pennsylvania highway. Without being advised of his rights by Pennsylvania law enforcers, he was charged and told that videotaping his actions and voice was a matter of routine. During these tapings, Muniz was asked several questions regarding his name, address, height, weight, eye color, date of birth, and current age. He stumbled over two responses and was unable to answer the "sixth birthday question." Both video and audio portions of the tape were admitted into his trial, and he was convicted (Walker, 1998). Were Muniz's Miranda rights read to him before his official arrest? Was Muniz denied due process and were his civil rights violated?

Research in cases similar to these will give students a thorough exercise in higher order thinking skills, expository writing, and presentation creativity. The lessons will also assist them in understanding how due process works and how the amendments defend civil rights for American citizens in various court proceedings. Students will have an opportunity to understand how historical factors, societal beliefs, and other factors affect the outcome of different cases. They should be urged to use only supporting data that pre-dates their particular cases because any references to events after the date of their particular case would be irrelevant to the group's findings.

Academic Skills That Will Be Learned and Their Importance

If students are guided into understanding that research and technology in core curricula, like English Language Arts, can be merged into a viable and appealing alternate to "traditional" instruction, perhaps their interests in understanding subjects like the American justice system will strengthen study, synthesis, and technology skills as well. This unit also emphasizes technology as an educational tool instead of another source of entertainment. However, teachers/instructors must be willing to incorporate technology into these core curricula and be knowledgeable enough to instruct the student in obtaining maximum usage of all available technology in the classroom, home, and/or external areas (library, community centers, etc.). The study of multiple levels of intelligence, which is a challenge for the educational community, can be more readily assessed through the use of technology. In this unit, students will experience:

1. Meaningful outcome through enactment of the group dynamics to be successful in directing their findings, or reenactments to their audience/peers in hopes of the reaction presumed by the group;
2. Evaluation, after construction of his/her information;
3. Synthesis phase in judging information and its practicality to the desired outcome; and
4. Technology through research, the global brain theory, and group dynamics.

Technology is a phenomenal tool that allows these pedagogical principles to combine with technological resources improving the learning environment for both the student and the teacher. This type of environment will enhance global synergy and the importance of the World Wide Web in doing collaborative projects such as this one with other classrooms around the country and the world. On a social level, technology provides social centers that bring students together rather than isolate them.

The primary reason for creating this unit was to help students tune into their own thinking, promote their creativity, and cultivate responsiveness to their discoveries. Students will discover that writing can be a thinking tool, a decision maker, a collaborator, and a source of possibilities. Through studying due process, students can use these variables to determine how due process is perceived in different cases and situations. In the seminar, we were introduced to the equality, fallibility, and indifference due process can have on individuals based on the historical as well as the cultural mores of the day. Secondly, the unit also integrates the study of persuasive and informative topics through earlier units stressing research, presentation, and interviewing skills. Through researching due process and presenting it as part of the case study, students utilize the techniques of persuasive and informative tools learned through these earlier units. This unit will also explore the creativity of the student. As the unit study progresses, students are encouraged to role play, become film producers, set designers, directors, and use other artistic talents to bring their project to as realistic a plane as possible.

In preparation lessons, students will be instructed on the proper technique of speech preparation, of giving a speech, and of how to properly conduct an interview, both as a participant and as a panelist or audience participant. Additionally, through constructive criticism, peer feedback, as well as instructor feedback, they will be encouraged to assist each student through constructive criticism. These tools parallel those that will be used in the case studies unit. In the case studies unit, students will be required to use advanced research skills and appropriate creativity. Students will be required to present their version of the case to a “jury” (classmates). Their group work will require in depth research, preparation, and creativity. The resulting research will also be presented in an informative and/or persuasive manner. The National Council of Teachers of Education’s mission statement echoes the Clarifying Learning to Enhance Achievement Results Projects (CLEAR) Texas Assessment of Knowledge and Skills (TAKS) objectives to

help the student “produce a piece of writing that demonstrates a command of the conventions of spelling, capitalization, punctuation, grammar, usage, and sentence structure” and to “analyze and critically evaluate culturally diverse written texts and visual representations.”

Historically, we are experiencing the most dynamic age of human kind, the Age of Technology. Technology has permeated every aspect of our lives, including education, the justice system, and our acceptance of the power of both. However, our children have not been taught that the power and reality of the America’s justice system is not the pseudo-power and unreality of the programming concept displayed in television shows like Law and Order, The Practice, NYPD Blue, and CSI. Technology’s presence has also brought the public the reality of trials like the Nicole Brown Simpson and Laci Peterson cases and the conviction/acquittal of the accused through technology like DNA testing, e-mail transmissions, and cell phone tapings. Through both programming and reality, the (in)justice of America has been introduced to our children’s imagination, but not to their psyche.

Through the age of technology, the global community is now a part of our students’ daily lives and has extended to the educational community the opportunity to access information quickly and accurately, making computers an indispensable educational tool for the twenty-first century classroom. If educators are to be competitive and successful, we must reach our students through a medium they are comfortable with and by which they are most challenged. In entertainment, video games are one of the most popular applications of the personal computer, cellular phones, and personal data assistants (PDA’s). Therefore, the successful instructor must combine the tools of technology with creative and innovative instruction.

According to Plato, phantasia (the prerequisite to imagination) is the mixture of sensation and belief (Cambridge, 1995). Imagination parents the virtue of technology and core curricular courses such as English Language Arts. Imagination is the forefront of the amalgamation of technology and the twenty-first century classroom. Alfred North Whitehead, noted philosopher of education, once commented that the educative process should be understood in active terms “as involving doing things that change one’s objective environment and internal conditions” (Cambridge). Through the Communication Applications American Court System Case Study unit, students will have an opportunity to expand their creative minds as well as embark upon an unknown curiosity which may influence their social and academic lives forever. And, because the study of multiple level intelligence has become a soaring hotbed of challenge for the educational community, it is only fitting that a project such as this would intertwine with technology as a necessary integration in the learning process.

Computers have proven to be a valuable educational tool. Computer assisted instruction (CAI) is a tool the Houston Independent School System uses to assist teachers in constructing appropriate level instruction for their students. The CLEAR program uses

computerized and template lessons that range from uncomplicated drills and practice sessions to complex interactive tutorials. Computers and applications such as PowerPoint, MS Producer, Questia, Moviemaker, and Front Page also enhance the curricula while preparing students for the “real world.” The Communication Applications American Court System Case Study unit accentuates the premise of CLEAR by incorporating the disciplines described through the myriad of levels instructors are to include in their lesson plans.

What’s more, through this unit, the study of law cases and the act of due process will also be easier for the students to ascertain, process, and redeliver in a format that will help them more thoroughly understand the American court system. Also, students will learn the importance of presentation, the use of persuasive and informative techniques, and the role of technology. There is no escaping the computer generation. We now live and survive by the technology that was once considered the distant future. As instructors, we must make the conscious decision to embrace these wonderful tools or risk being subjugated to less challenging career tasks.

IMPLEMENTATION STRATEGIES

Communication Applications American Court System Case Study unit will allow students to explore the techniques of research and discovery in attempting to understand the nuances of due process and how it could impact their lives. The unit is designed as part of the speech applications curriculum in my classroom. The lessons will focus primarily on Bloom’s Taxonomy, especially in the higher thinking orders such as synthesis, creativity, and evaluation, which will also be strategically used in objective as well as subjective assessments. The lessons are based on HISD’s CLEAR Texas Assessment of Knowledge and Skills (TAKS) Language Arts Objectives as established by the Texas Education Agency (TEA):

TAKS Objective 1: Reading. The student will demonstrate a basic understanding of culturally diverse written texts;

TAKS Objective 3: Reading. The student will demonstrate the ability to analyze and critically evaluate culturally diverse written texts and visual representations.

TAKS Objective 4: Writing. The student will, within a given context, produce an effective composition for a specific purpose.

TAKS Objective 5: Writing. The student will produce a piece of writing that demonstrates a command of the conventions of spelling, capitalization, punctuation, grammar, usage, and sentence structure.

Students will also play a minor role in peer assessment. With assignments such as these, secondary students could possibly author their own epistemology by creatively using these higher order thinking skills and additional ones like conclusion and evaluation in the creation of solutions to challenges.

Because this unit also involves cross curriculum studies (Communication Applications, American History, Social Studies, Creative Writing), students are challenged to expand their curriculum base. They will also learn the dynamics of group participation and other skills such as the art of debate, research, formal writing, and role-playing. Also, the unit will assist high school student in the transition to collegiate writing, communication skills, and group projects. The unit will involve concentrated levels of group interaction, which will also teach the student the life cycle of group work.

Francis Heylighen's "global brain" theory supports this concept when he describes the "global brain" as a metaphor for the World Wide Web's "nervous system for humanity" as a system "formed by the people of this planet together with the computers, knowledge bases, and communication links that connect them together" (Heylighen, 1996). His metaphoric description of a self-generating, self-sustaining web of intellectual knowledge is that English Language Arts students who incorporate technology into their daily study habits are students contributing to and finding answers to the "what ifs" that once dwelled in the unknown recesses of human thought. Through the implementation of this unit, students will not only engage in the community of the World Wide Web, but they will also have the opportunity to gather information that may be unreachable through conventional methods. Students will be able to research the norms of the era, access court transcripts, study the character sketches of the accused and the victims, and view police records and other such sources.

The unit is also designed to motivate the curiosity of the student. As educators, we know that high school students do not readily accept the introduction of this type of study. Constant reassurance by the instructor to the student is necessary throughout the unit. Most students are not accustomed to sharing thoughts, ideas, or constructive time with their peers. Therefore, a normal amount of tension is expected. Realistically, we have nurtured a generation of self-contained, self-gratifying adolescents who have no idea what reality is or how apathy can affect the outcome of their station in life.

However, technology is a phenomenal tool that has the capability of attacking and conquering adolescent educational apathy, if applied methodically and attractively by instructors. It also permits the opportunity for students to create their own epistemology, developing beyond the prescribed expectations of educators, theorists, parents, and even students. Technology also combines technological resources with sound pedagogical principles to improve learning with the added benefit of developing impressive and challenging learning environments conducive to units like the Communication Applications American Court System Case Study unit.

Activity Methodology

The progress of technology in the classroom has created a new generation of intellectual capabilities. The limitation printed material once claimed has been expanded by the technology of the World Wide Web, digital cameras, and other such "instant"

technology. This project is exploring how exciting and rapidly expanding new electronic tools, network resources, and human resources can jointly improve Language Arts pedagogy. However, the mere availability of technology is not enough to compel students and educators to take advantage of the endless possibilities of the vastly evolving improvement technology continues to have on the learning experience. Educators must motivate the students (as well as themselves) to utilize technology across the curriculum. My school is technology driven and we are expecting the arrival of e-Books in the near future. Eventually, students will have the capability of interacting on-line in the classroom with the instructor in real time.

Without effective integration strategies, technology can represent an overwhelming task for educators, preoccupied with ensuring mastery of fundamentals. As a result, technology resources are still largely underutilized. Perhaps the number one culprit is the lack of teacher capability in utilizing all available technological resources. Instead, educators have become quite proficient in shoveling mounds of paper into organized chaos, denying the ease that technology can bring into the classroom. However, it is not enough to “say” to a student to use all available resources; the instructor, through daily applications, must utilize technology in every capacity, must know how to access these resources and must use them in daily instruction. This in turn, motivates students to emulate their teacher.

Students at this age are naturally impressionable and will subconsciously follow the lead of their teacher. Therefore, if teachers do not convey the importance of, or are unable to effectively and seamlessly integrate technology within instruction, students will not be motivated to assimilate technology regularly in their studies. Without technology assimilation, the learning process often becomes stagnated and mechanical for both the teacher and student. The self-discovery process is limited and the computer risks the outcome of becoming a glorified typewriter instead of a learning tool.

Secondly, English Language Arts is very similar to the mathematical concepts of geometry and physics in the sense that abstract language and critical thinking are as complex as the abstract qualities of geometry and the theories of physics. But without mathematical principles, the art of modern language would have a thin basis upon which to exist.

The scientist Claude Shannon developed the mathematical concept which allowed the transmission of electronic signals that translated into syntax. His goal was to minimize the loss of information in the transmission of messages. Because of Shannon and another scientist, Warren Weaver, words such as “multiple channels,” “feedback,” and “source credibility” in the mid-twentieth century have become acceptable terms whose definitions are now understood by the computer literate and illiterate as well. It was because of their research that encryption is now a refined process and accepted factor of e-mail transmissions and accessing the World Web. In fact, Shannon, whose major discipline

was scientific mathematical concepts, developed twenty-three theorems that focused solely on syntax (Ritchie, 1986).

Therefore, teachers and instructors can no longer depend on the familiarity of textbooks and lectures to teach a subject as complex as English Language Arts. They must integrate standard texts with the variety of learning how to use the Internet and other technology to continue challenging the twenty-first century student. Language Arts is theoretically the study of language, grammar structure, and syntax. All students must learn the basics of reading in order to build vocabulary and grammar constructs and to use syntax correctly. However, if education did not demand the accomplishment of progressive skill levels from students, then all education and curricula would be jeopardized. The same is true for technology.

Research by Thomas K. Glennan and Arthur Melmed (1996) supports that network-based technology has been used to tailor learning experiences for students who participate in projects like the Communication Applications American Court System Case Study unit. According to the researchers, since schools started acquiring technology for their students in the mid 1980s, the number of computers per student ratio on a national level has increased in usage from one computer per 125 students to nine computers per student in 1996. Since 1983, technology has established and maintained a definable presence in the nation's schools at a phenomenal rate. Technology and computers are improving the performance of students in the classroom as well as student assessment (www.rand.org/publications/MR/MR682/contents.html).

In projects like the Communication Applications American Court System Case Study Project, students will eventually take ownership of their work, and like the unsuspecting researchers/developers/creators they will become, it is only a matter of time before their excitement will motivate them to share their discovery through the global brain or world web community. Linguistics theorists have suggested that the earlier a child is introduced to a foreign language, the easier it is for the child to discover the skills needed to speak the other language. The same holds true for technology.

Through projects like this, web-based collaborations will become a common occurrence and a base for students and teachers to obtain assistance with local projects and reach beyond their local resources. This activity is designed to help each group of students integrate their knowledge by reviewing their sources and discussing their findings as a class. Commonalities include the human factor, the effect of circumstantial evidence, the personalities of the "players" in each case, and the interpretation of the law in different arenas and different environments. They will also learn the value of diversity among group members, the application of due process, and the interpretation of the law regarding amendment rights. The four steps of group formation, forming, storming, norming, and performing, are expected to develop at different rates, according to the syntality of the group. Students will learn that the use of technology as an educational tool is fundamental to their education and real life situations. Consequently,

students must learn how to work methodically together as a cohesive group in order to produce an excellent reproduction of their research and findings.

Order of Activities

In the English Language Arts arena, technology is being used to instruct eleventh grade students in the Communication Applications American Court System Case Study unit in the art of research, critical thinking, role playing, and evaluation through the guise of “defending” the “reversed” verdict of previously settled cases. This unit is designed to encompass six to eight weeks. The materials students will need are access to the Internet, a computer and printer, and a creative, imaginative nature.

Students will begin the project by stating their expectations of what the project will reveal to each person. Then the student begins the basis of their studies by developing the necessary skills of critical reading, research, creative writing, and presentation. The first step in preparing for the American Court System Cast Study unit is preparing the students properly in the art of academic research for oral presentation of persuasive or informative subjects. They will first submit individual five page research papers, using double spacing, a twelve point font, and either New Times Roman or Arial font type. The subjects will be either persuasive or informative topics, chosen from a teacher-approved list. The citation method will be the American Psychological Association (APA) style. The papers will be graded on grammar constructs, APA application, and written presentation of the topic. After students submit their research papers, they will then choose a date to present their topics.

Students will dress in business attire and present their three-to-five minute presentation. Each student will be assessed on oral presentation of information. The assessment will be based on the techniques outlined in the textbook *Speech: Exploring Communication*. This procedure should be viewed as the first step in preparation for the major project. The second step will be teaching students the interviewing process. At this stage, students are given a career choice website, instructed to select a career, research the job, and prepare for a panel interview. During this phase, students will prepare for a real world job set in their future, ten years from the present. The creative process will be reflected in their electronic portfolio, which will inform the interview panel of the interviewee’s educational qualifications, work experience, salary, and future expectations. Students will also prepare questions for the interviewers and interviewees. After critiques by the teacher and peers, thorough introduction and understanding of the subject matter, readings, class discussions, assessments, and role-playing, students are assigned groups and given the criteria for the group project.

Third, the instructor chooses group members by student individual strengths and weaknesses so that each group will have an equal opportunity for success. After groups are assembled, they will elect persons to be responsible for certain jobs within the group. This involves assigning responsibilities to each member of the group, including group

task and maintenance responsibilities. Responsibilities will also include the group deciding on a leader, timekeeper, and scribe. The timekeeper and emergent or appointed leader position is very important. This will be the person(s) who will keep the group in order and make sure the group will conclude its presentation on time. Also, to help keep the students on track, a copy of the unit criteria should be given to each student (Attachment 1).

In each of these cases, due process of the law will be examined as thoroughly as possible per the experiences of high school upperclassmen. After choosing their research case from a list of teacher pre-approved cases, the group is encouraged to select a creative name for their group (i.e. The Advocates of Justice, The Defenders). Next, each group member is assigned a responsibility (gatekeeper, timekeeper, leader, scribe, creative advisor, technician, etc.). The group members accomplish this task. Besides the responsibilities each group member will have, the groups must meet a minimum of four times for at least thirty minutes per meeting. The group research paper will be twelve to fifteen pages long (not including the title page, outline, reference page, abstract, bibliography, graphics, etc.), APA research style, and contain case research to support the alternate verdict of the original case verdict (TAKS Objective 1). Students are encouraged to review any legal briefs regarding their project. A date(s) to have final rough drafts reviewed by the teacher for style, format, content, and other grammar constructs should be established at least two to three weeks before the final paper is submitted. Each group must turn in an electronic rough draft on a date established by the instructor, preferably the fourth or fifth week of the unit. If a group does not submit a rough draft, 10% of the final report grade will be deducted from the final product. The group's written report will be due the day of the group's presentation and before the presentation begins. Before the group presentation, the group paper must be submitted electronically to the instructor for grading. However, at the instructor's discretion, the final paper can also be submitted in a report cover with a pocket (for a disk, CD, or DVD identified with group name and members). Attachment 2 is a list of legal terms from Black's Law Dictionary students may find useful during their research.

Groups will be assessed on four major criteria of presentation: Oral presentation; appearance; time; and written report. These four areas are worth 20% of the total grade. Each part of the analysis is given points from 1–100. The points are multiplied by 20% and the grade is assigned for that section of the four areas of criticism. The written report will be done in the APA format, which must be strictly followed. If the written report does not strictly follow the APA format, the report will be given a grade of no more than 80 (TAKS Objective 5). If there are more than five mistakes (grammatical, structural, formatting, etc.), each mistake after the fifth mistake will result in a deduction of two points per mistake thereafter (i.e. nine mistakes equal a deduction of eight points from the total grade). Plagiarism is forbidden. If the group's paper plagiarized information, the group paper will receive a grade of zero. Peers are asked to critique each group on two of the four criteria: oral presentation and appearance. Peer comments will be taken into consideration by the teacher regarding each group's overall grade.

Presentation dates are chosen by the instructor and placed in a container. Each group also chooses a number from the container determining who will present first, second, etc. After the dates for group presentations are chosen, each group must identify their presentation format (group symposium, re-enactment, etc.) at least one week prior to presentation. The teacher should provide make-up dates for group presentations for “unforeseen” situations. If a group does not present on the designated day for reasons other than situations beyond student control or an emergency, points will be awarded from 1 – 85 on the make-up dates.

Before the presentation, group members have been encouraged to be as creative as possible. Videos, courtroom drama, staging, script writing, character acting, and costumes are encouraged. Students are also encouraged to interact with public officials. Some groups may be able to persuade judges to allow them the use of their chambers and courtroom to film their projects. Each group will have a minimum of thirty minutes with a maximum of forty-five minutes to “present” their “findings” (TAKS Objective 2). During the presentation, group members will first introduce themselves and their contribution to the group effort. Then a member of the group will give an overview of the case followed by how the group determined the alternate verdict. Next, the group visually demonstrates their findings, using as much technology and creativity as possible (TAKS Objective 4). Of course, the instructor must approve the final creative process before the presentation date.

The excuse of “technology failure” should be considered on individual group basis because students should be instructed to check their technology usage prior to the presentation date, preferably using the same equipment that will be used in the actual presentation. When students are instructed to use technology, they are cautioned about the technology’s vacillating nature and advised to have some type of backup. The instructor might want to establish times that students can test their presentations. Because the unit will test the dexterity of both student and instructor, instructors must be flexible with time, patience, and assistance — being careful only to guide, not surpass — the students through their creative efforts. Although instructor time is very precious, during the progression of this unit, students may need more of your personal time. Suggested times could include lunchtime, homeroom, before, or after school. Students should also be instructed to have backup (hardcopy, extra people) for “just in case” situations like equipment failure, suddenly ill participants, etc.

The remaining 20% of the group’s grade will depend on the criteria for group participation. A record of meeting dates and times (i.e. Monday, February 16, 7:45am – 8:15am) with the names of each group member who met that particular day; the roles each group member will be responsible for in writing the paper, researching the information, the formal presentation, etc. Each member must contribute equally to the formation and presentation of the case study. Each member must know as much about

the case as the other members and able to answer any and all questions from the teacher and/or audience.

If there is an occasion of internal discrepancy with group member participation, this should be brought to the teacher's attention no later than three to four weeks into the unit. If the teacher is not made aware of any discrepancies within a group, the group must remedy the situation amicably among themselves. If there is a need for teacher intervention, all group members will meet and discuss the problem and possible solution. If a solution cannot be established, then the members of the group will be given their own case projects with the same requirements as the group project. Although groups have approved creative license in presenting their cases, students should not be permitted on the school's campus after hours and/or on weekends. If possible, the teacher should make available to the students all equipment, and/or "props" (tables, chairs, DVD players), encouraging utmost creativity. Attachment 3 is an example of an equipment form teachers and students may want to utilize.

Throughout this unit, students are exposed to the higher order critical thinking skills, technology usage, and creativity. They are also experiencing the pros and cons of group dynamics, resolving working styles into a cohesive final professional high school product. Also, multilevel learners have a variety of arenas to explore and with which to expound. Besides improving research, presentation, and writing skills, students will also refine skills that will be used in real world, academic, and work place situations.

Conclusion

Benjamin Bloom, the creator of Bloom's Taxonomy of Critical Thought believed that "The purpose of education is to change the thoughts, feelings and actions of students" (Bloom, 1985). In the Communication Applications American Court System Case Study unit, students with multiple intelligences have more opportunities for suitable expression in multimedia and interactive documents. The linguistic intelligence traditionally valued in English Language Arts settings can be enhanced and supported by students' additional talents through media like technology and art. Also, students have greater opportunities for project-based learning to engage their reading, writing, speaking, and listening skills.

Technologies provide social centers that bring students together rather than isolate them. This regularly occurs in settings where students can cluster around computers to help each other solve problems or move from computer to computer to compare their work. And with the World Wide Web, students can also benefit from taking part in collaborative projects like the Communication Applications American Court System Case Studies unit with other classrooms around the country and the world, adding to the global brain theory. Students participate in global synergy and learn that their world is not all there is.

The benefits to students are endless, including developing skills that will help them greatly at later stages in their education and in the working world. Understanding how to use new information sources efficiently and appropriately will prepare students for the increasing dependency on such technologies in college and in the workplace. Being able to use technology to acquire and evaluate information, organize and maintain that information, and interpret and communicate it, will contribute to the success and confidence of students, as they become future leaders.

The benefits to teachers and instructors include opportunities to share their successes and challenges with other teachers, discover new methods of creative and effective teaching strategies, and solutions to similar obstacles. If educators began to think of teaching English Language Arts combined with technology the same way they think of the writing process (prewriting, writing, and rewriting), then the ease of teaching the concepts of English Language Arts will become easier. However, the success of the integration of technology into the English Language Arts arena depends entirely on the creativity and assertiveness of the teacher. The Communication Applications American Court System Case Studies unit is an example of this effort.

Technology is affecting education in revolutionary ways, and the momentum toward these changes is irreversible. Regardless of the curricula, very soon every teacher and student will have to employ creativity and technology in order to be competitive in their work, in their studies, and in their life.

LESSON PLANS

The following lessons plans are a secession of steps to assist the student in the ultimate goal of presenting his/her case project successfully. These lessons are based on the textbook, *Speech: Exploring Communication* used in the ELA speech course, *Communication Applications*. Through a combination of the research techniques, subject choices, and oral presentations, the student will begin active preparation in research outcome and creative presentation for their case reversal projects. The first step will prepare the student for formal writing and public speaking. The second lesson sequence will foster the student's creativity by using resourcefulness in determining the factors of a futuristic career and role-playing the interviewing process. Finally, the case study unit will combine the previous lessons into a major creative research project, utilizing four specific TAKS objectives.

Lesson Plan 1

TAKS Objective 1: The student will demonstrate a basic understanding of culturally diverse written texts.

Students will learn the properties of persuasive and informative speech through lectures, exercises, questions, and vocabulary. After lecture and assessment, students will

choose a speech from the textbook. Students will be coached on the correct podium posture, speaking voice, word emphasis, correct breathing and paralanguage techniques using the technique of impromptu speaking. Also, they will be encouraged to role-play the person whose speech they are reciting. They will be graded on delivery and effectiveness of role-playing. The assignment is worth 100 points: sixty percent research technique and forty percent based on the timed oral presentation and attire.

After thorough review of the communication applications textbook information regarding the techniques of public speaking, students are to randomly choose from a list of persuasive or informative topics. Students will do research on their topic and reproduce their findings in a minimum five-page paper done in the APA research style. The format of the paper will include double spacing, a twelve-point font, using either New Times Roman or Arial font type. The subjects will be either persuasive or informative topics, chosen from a teacher-approved list. The papers will be graded on grammar constructs, APA application, and written presentation of the topic. Additionally, the research paper will be restricted to no more than three errors, including formatting as well as grammar. The fourth and any additional errors will cost two points each. The same day the student submits the research paper is the day the oral presentation is given. Dates for student presentations will be determined by the teacher and student speeches will be timed with the criteria of being between three and five minutes. Students are encouraged to dress in business attire.

Lesson Plan 2

TAKS Objective 3: The student will demonstrate the ability to analyze and critically evaluate culturally diverse written texts and visual representations.

TAKS Objective 5: The student will produce a piece of writing that demonstrates a command of the conventions of spelling, capitalization, punctuation, grammar, usage, and sentence structure.

Students will learn the techniques of the interviewing process, following closely the lessons in the speech applications textbook. Students will also do research for careers they would like to have in the future. From the jobs.com websites, students will access potential job choices. After approval, students must research the job, including the education and experience expected for the successful job candidate. Researching the job will include how the student should prepare for the career, including educational requirements and prior job experience. Since this exercise is to research a futuristic job opportunity, the student must employ forecasting, prediction, and creativity as to what might be necessary to qualify for the job. Electronic portfolios coupled with traditional resumes are required. The assignment is worth 100 points: sixty percent research technique and creativity and forty percent interviewing skills, oral presentation, and attire.

Students will then prepare for a panel interview. The teacher will place students in groups of no less than five and no more than seven students. Members will be selected according to strengths, weaknesses, and talents, so that each group will be as equally situated as possible. These group members will be the same ones that will function as the interview panel for each interviewee in their groups. Each member of the group will have the opportunity of being interviewed by his/her group members. Each interviewee will provide each interviewer with information on his/her job choice with the responsibility of developing at minimum ten questions for each interviewee and their future career choices. Also, these group members will be the same ones who will work together in the case study project.

Each interviewee will create a digital portfolio, with a copy of traditional resumes for each panel member. The digital portfolio will exhibit the creative talents of each student, as well as the “qualifications” of the interviewee. The resume must represent a futuristic job choice. Role-playing is critical. Students must utilize as much technology and media technique as possible. Assessment will be based on the creativity of the digital portfolio and the accuracy of the traditional resume. Students will also be graded on interviewing skills and attire. Students will be coached on proper interviewing skills, including posture, paralanguage, and the answering of legal and illegal questions that may be posed by the interviewer(s) without alienating the potential employer. Additionally, the students will practice how to ask questions of the interviewer and interviewee; the interviewee will practice how to answer properly. Also, each interviewee will be expected to do follow-ups in the form of traditional or electronic thank you letters to the panel’s “company”.

This exercise will foster group dynamics and reinforce research, presentation, and speaking skills in a different format than the persuasive/informative presentations. Students will be assessed on preparedness, portfolio creativity, and role-playing.

Lesson Plan 3

TAKS Objective 3: The student will demonstrate the ability to analyze and critically evaluate culturally diverse written texts and visual representations.

TAKS Objective 4: The student will, within a given context, produce an effective composition for a specific purpose.

TAKS Objective 5: The student will produce a piece of writing that demonstrates a command of the conventions of spelling, capitalization, punctuation, grammar, usage, and sentence structure.

Students are given a written copy of the criteria for their projects. The class reviews the criteria and questions/comments are discussed. Each group chooses a group name, group member responsibilities are determined, and presentation dates are selected. Each group will choose among themselves who will be the leader, gatekeeper, timekeeper, scribe, creative coordinator, and technology coordinator. After each group has chosen a

name and date for presentation, the group names, dates for group presentations, and times are posted inside as well as outside the classroom. Students are encouraged to invite parents/guardians, whomever they would like. Students are also encouraged to support other groups as a show of camaraderie. Students may participate in other groups as necessary.

This assignment will be worth 100 points. Each group will be assessed by the following criteria: Oral presentation; appearance; time; written report; and group work. The first four areas are worth 20% of the total grade. Each part of the analysis is given points from 1 – 100. The points are multiplied by 20% and the grade is assigned for that section of the four areas of assessment. The written report will be done in the APA format, which must be strictly followed. If the written report does not strictly follow the APA format, the report will be given a grade of no more than 80. If there are more than five mistakes (grammatical, structure, format, etc.), each mistake after the fifth mistake will result in a deduction of two points per mistake thereafter (i.e. nine mistakes equal a deduction of eight points from the total grade). Plagiarism is forbidden. If the group's paper has plagiarized information, the group paper will receive a grade of zero. Peers are asked to critique each group on two of the four criteria: oral presentation and appearance. The teacher will take peer comments into consideration when determining each group's overall grade.

The fifth part of the equation, also worth 20%, will be the group work report. It will follow the same format as the other four parts. Each group is mandated to meet no less than four times during the length of the unit, for a minimum of thirty minutes per meeting. Each member of the group is required to meet at least four times with his/her group for a minimum of thirty minutes. If there are five members in a particular group and the group makes a decision to meet six times, then all members must be present for at least four of the group meetings. Contributions of all group members must reflect a commitment to the group's success. If all these requirements are met, the group will receive 100 points.

The student assessment is also considered as a cushion for groups who might need the extra support, or as extra points for groups who deserve recognition for outstanding work. Each part of the assessment is then totaled to ascertain the group's total grade.

Editor's Note: Page numbers for parenthetical references were unavailable at time of publication.

APPENDIX A

Communication Applications American Court System Case Studies Project Criteria

Groups are graded on four major criteria of presentation: Oral presentation; appearance; time; and written presentation. These four areas are each worth 20% of the total grade. Each part of the analysis is given points from 1 – 100. The points are multiplied by 20% and the grade is assigned for that section of the four areas of criticism. The written report will be done in the APA format. This format must be strictly followed. If the written report does not strictly follow the APA format, the report will be given a grade of 60. If there are more than three mistakes (grammatical, structural, formatting, etc.), each mistake after the fifth mistake will result in a deduction of two points per mistake (i.e. nine mistakes equal a deduction of eight points from the total grade).

The dates for group presentations are _____. Each group must identify their presentation format (group symposium, re-enactment, etc.). Make-up dates for group presentations are _____. If a group does not present on the designated day, points are awarded from 1 – 85 on the make-up dates. If your paper has plagiarized information, your paper will receive a grade of zero. Plagiarism is against the law and academic standards. Peers are asked to critique each group on two of the four criteria: oral presentation and appearance. Peer comments will be taken into consideration regarding your overall grade.

The remaining 20% of the group's grade will depend on the following criteria:

The number of times, date, and time (i.e. 7:45am – 8:15am) each group member met; the roles each group member performed writing the paper, researching, during the formal presentation, etc. Group members should meet a minimum of four times. The timekeeper emergent/appointed leader position is very important. This will be the person(s) who will keep the group in order and make sure the group will conclude its presentation on time. I suggest some subtle gesture for each group's timekeeper be created when five minutes is left in the presentation.

Each member must contribute equally to the formation and presentation of the case study. Each member must know as much about the case as the other members and able to answer any and all questions from the teacher and/or audience. If there is an occasion where there is an internal discrepancy with group member participation, please let me know immediately. A time and place for group discussion with the troubled member(s) will be appointed and what the group decides about the particular group member(s) grade will be taken into consideration by me.

APA style is the required format for your group's twelve-page paper. The twelve pages do not include the title page, the abstract, the outline, or the reference page (or any pictures or graphics). The acceptable font size is twelve point only (Times New Roman

or Arial, double spaced, and not in italics), in a report cover with a pocket (for your disk, correctly identified with group name and members). Also your written report must be on a disk saved in Microsoft Word ____ format only. Suggestion: Please review any legal briefs regarding your case or similar to your case to help you write an abstract or introduction to your case study. Please proof read your information. Suggestion: Have a peer, teacher, parent, etc. read your report for objectivity. Due dates for final proofs reviewed by me for style, format, content, etc. will be _____. This is mandatory. I will be available from _____ until _____.

Your group has been given creative license in presenting your case as long as it is tasteful and appropriate for classroom consumption. If you need tables, podium stand, extra chairs, a DVD player, etc., please let me know a week prior to your presentation and fill out the form in this package.

Also, it is best to do a practice using the actual equipment you will use during your presentation. I will be available for assistance after school from ____ to ____ on these days: _____. Appropriate business attire and/or costumes are encouraged. If you cannot or are not able to dress accordingly, please let me know a week before your presentation. Twenty-five percent (25%) of your oral presentation will be determined by your attire or costume. Your groups have forty (40) minutes to set-up, present, and entertain questions from the audience. Thus, the timekeeper's (gatekeeper) role becomes very important. I suggest you have built in backup -- each member should have a copy of the written report and his/her own electronic copy. Please review the criteria analysis form. Please feel free to reproduce the form with any breakouts regarding the group work category you deem necessary to add. This form should be included with your written report. A sample form is attached for your use.

Communication Applications American Court System Case Studies

Group Name: _____ Case Name: _____
 Group Members Names: _____

Combined Peer Analysis:

Oral presentation (Points)	_____	X 20%	_____
Appearance	_____	X 20%	_____
Total Score	_____	Total Grade	_____

Teacher Analysis:

Oral presentation (Points)	_____	X 20%	_____
Time	_____	X 20%	_____
Appearance	_____	X 20%	_____
Written Presentation (APA)	_____	X 20%	_____
Group Work	_____	X 20%	_____
Total Score	_____	Total Grade	_____

Additional Comments:

APPENDIX B

Glossary of Legal Terms

- Adjudicate-- to give a judicial ruling such as a decree or judgment.
- Alibi-- an excuse used by a person accused or suspected of a crime
- Appeal-- to ask higher court to reverse the decision of the trial court after final judgment or other legal ruling.
- Bench Trial-- a trial where the judge decides the outcome without a jury.
- Bodily Injury-- this refers to the physical harms being done to a human. The term refers to assault and battery as types of bodily injury.
- Consent-- a justification offered as a defense to a criminal charge which claims that the person suffering an injury either agreed to sustain the injury, or that the possibly of the injury in some activity was agreed to before that activity was undertaken.
- CRT-- the device a police officer uses to check a suspect for previous violations.
- Decree--- synonymous with a judgment.
- Deferred adjudication-- one who receives probation and does not have final conviction.
- Dissenting opinion-- the decision that disagrees with the majority opinion. Sometimes these will later become the majority opinion.
- Discovery-- the efforts of a party to obtain information before trial through demands for a production of documents, depositions of parties and potential witness, etc.
- Diversity of citizenship-- when opposing parties are from different states or other foreign countries.
- Evidence-- every type of proof legally presented at trial which is intended to convince the judge and/or jury of alleged facts material to the case.
- Exculpatory-- applied to evidence which may justify or excuse an excused defendant's actions and which will tend to show the defendant is not guilty or has no criminal intent.
- Expunction-- deletion by act of expunging or erasing.
- Expunge-- to physically erase; to white or strike out; to remove every reference from a court record.
- Extraneous Defense-- defense that has nothing to do with the actual trial or case; outside defense.
- Indictment-- a formal accusation of a felony, issued by a grand jury after considering evidence presented by a prosecutor.
- Interrogation-- questioning of a suspect or witness by law enforcement authorities.
- Jurisdiction-- the authority given by law to a court to try cases or rules on legal matters within a certain geographical area.
- Lineup-- a law enforcement method used in an attempt to have a witness or victim identify a person suspected of committing a crime.
- Motion in limine-- a motion made at the start of the trial requesting that the judge rule that certain evidence may not be introduced in trial.
- Move to dismiss-- n. application by a defendant in a lawsuit or criminal prosecution

asking the judge to rule that the plaintiff (the party who filed the lawsuit) or the prosecution has not and cannot prove its case.

Occurring opinion-- majority vote by a counsel of judges, which becomes the majority vote.

Plaintiff-- the party who initiates a lawsuit by filing a complaint with the clerk of the court against the defendant demanding damages performance and/or court determination for rights.

Precedent-- Legal principle created by a court decision, which provides an example or authority for judges deciding similar issues later. Generally, decisions of higher courts (within a particular system of courts) are mandatory precedent on lower courts within that system--that is, the principle announced by a higher court must be followed in later cases.

Presiding Juror-- one of the jury members whom holds a position of authority and acts as the spokesperson or chairperson of the jury.

Presumption of Innocence-- believed to be innocent before the actual trial.

Pretrial-- the proceedings before the actual trial.

Reform-- the correction or changes of an existing document by court order upon petition of one of the parties to the document.

Rehabilitation-- term signifying any programmed ameliorative exercise, guidance, or instruction afforded to those with a particular disability, whether physical, physical, psychological, or social.

Remanded-- when an appellate court sends an appealed case back to the trial or case back to the trial court for further action.

Restraint-- the act of being restrained or restraining from.

Sanction-- a financial penalty imposed by a judge on a party or attorney for violation of a court rule, for receiving a special waiver of a rule, or as fine for contempt of court.

Seditious Libel-- the damaging of the government's reputation, slander, defamation.

Serious Bodily injury-- Bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Subpoena-- an order of the court for a witness to appear at a particular time and place to testify and/or produce documents in the control of the witness.

Test for confession-- a test given to cause a suspect to confess to a crime.

Theft-- a general term embracing a wide variety of misconduct by which a person is unlawfully deprived of his or her property.

Unreasonable search and seizure-- in general an examination without authority of law of one's premises or person with a view to discover contraband or illicit property or some evidence of guilt to be used in prosecuting a crime.

Venue-- the proper or most convenient place to have a trial of a case.

APPENDIX C

Communications Applications American Court System Case Studies

Prop Form

Group Name: _____ Date Of Presentation: _____ Time: _____

Technical Equipment:

Other:

Costumes are encouraged. Be as creative as possible.

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