



UL ENGAGE

Community Briefing

2018 No. 41

Street Law Project

Clodagh Dunne
Emmet Collopy
Nicole Cumiskey
Niamh Kennedy

Supervisor: Dr Lydia Bracken



UNIVERSITY of LIMERICK
OLLSCOIL LUIMNIGH

UL Engage

share

enable

grow

Promoting University Community Collaboration

THE BRIEF

Street Law is an approach to legal education whereby law students teach law at grassroots level. It was first established in Georgetown University as a way to allow law students to apply their legal knowledge for the benefit of the local community. Street Law provides a unique opportunity for law students to advance their legal knowledge and to develop their clinical legal skills while at the same time providing a valuable service to the outside community.

The aim of this UL Engage Project was to establish a pilot Street Law programme at UL where four final year Law Plus students would teach law at a local DEIS secondary school, CBS Sexton Street, over the Spring semester 2017/18. Before commencing their teaching, the law students were provided with training in the learner-centred, non-directional teaching methods used in Street Law. The training was provided by Dr Lydia Bracken, School of Law, who organised and supervised the Project. The students subsequently worked in pairs to deliver Street Law classes at the secondary school over a five-week period. During the final week of the programme, the secondary school students visited the UL campus for their final class, which was delivered by all of the law students working together to prepare the secondary school students to undertake the roles of lawyers, judges, jury and witnesses as part of a hypothetical court case, known as a “mock trial”. The secondary school students subsequently ran their mock trial in UL’s purpose-built moot court room. This exercise allowed the secondary school students to apply the skills they had learned over the course of the programme in a practical and realistic manner.

As part of the Project, the law students were assessed based on the submission of written lesson plans, their teaching and participation, and submission of reflective essays. The written lesson plans are included in this booklet.

The project was supported by the AHSS Faculty Teaching Board Fund.



Coláiste Mhichíl
CBS Sexton Street



PROJECT PARTNERS

The UL Street Law Project was organised and supervised by Dr Lydia Bracken, School of Law, in collaboration with the UL Access Office. The teaching sessions were delivered to fourth and fifth year students at Coláiste Mhichíl, CBS Sexton Street, Limerick. Four final year Law Plus students delivered the teaching sessions. The law students were Clodagh Dunne, Emmet Collopy; Nicole Cumiskey, and Niamh Kennedy.

Dr Lydia Bracken received her initial training in Street Law as part of the Law Society of Ireland's Street Law Orientation weekend which was facilitated by Freda Grealy and John Lunney of the Law Society of Ireland, Professor Richard Roe of Georgetown University and Dr Sean Arthurs of Harvard University. The project would not have been possible without the guidance and support of these individuals and we are very grateful to the Law Society of Ireland for the training opportunity.

The project was funded by the AHSS Faculty Teaching Board Fund.

PROJECT RATIONALE

The main objective of the Street Law Project was to enable the law students to apply their legal knowledge and skills for the benefit of the local community by teaching law at a local DEIS secondary school. The teaching sessions were designed to develop the secondary school students' knowledge of the legal system and their capacity for democratic decision-making, while at the same time developing the law students' clinical legal skills. Clinical legal education aims to provide students with an understanding of the skills required for legal practice. Street Law contributes to the objectives of clinical legal education in a number of ways as it allows the law students to enhance their knowledge of substantive law and legal procedure by teaching about specific legal topics; it enhances the students' communication and advocacy skills through presentation and interaction in the teaching environment; it requires them to explain the law in a plain-English and accessible manner to the non-legal audience which will be a central aspect of their future careers; and it requires them to plan and prepare for teaching sessions and to enhance their time-management skills. The law students also need excellent knowledge of courtroom etiquette and the trial process in order to effectively teach about the elements of the mock trial. Street law also benefits the community as it teaches the secondary school students about the legal system; about their rights within that legal system; and it allows them to practice their own presentation, advocacy, team-work and problem-solving skills.

STREET LAW LESSON PLANS

This booklet contains the lesson plans that were used by the four Law Plus students in their teaching as part of the UL Street Law project in the Spring semester 2017/18.

Included are the following:

- Garda Powers (Emmet Collopy) p. 8
- Right to Privacy (Clodagh Dunne) p. 13
- Criminal Law & Juvenile Justice (Nicole Cumiskey) p. 18
- Sport and the Law (Niamh Kennedy) p. 24
- Mock Trial Teaching Aids p. 35

LESSON 1: GARDA POWERS

GARDA POWERS

Stop, Arrest & Detention

Goals / Objectives

- To enable students to understand what information they are compelled to provide Gardaí with if requested when stopped
- To allow students to comprehend the various reasons why they may be stopped by Gardaí
- To provide students with the necessary tools to interact with Gardaí sufficiently
- To make students aware of Garda powers in relation to reasonable suspicion
- To encourage students to think in a calm and rational manner during all interactions with Gardaí
- To allow students to overcome the fear of the unknown and dispel the many myths surrounding Garda stop and search powers
- To broaden students understanding of arrest and detention powers of the Gardaí
- To ascertain students attitude towards Gardaí in general

Materials needed

- 1 Yellow high visibility vest
- 1 Garda / Police hat
- 1 hooded sweatshirt
- 1 black marker
- 1 set of handcuffs
- 1 packet of yellow cards
- 1 packet of red cards
- 1 small notebook
- 1 referee whistle
- Ballot papers
- List of questions for **KNOW YOUR RIGHTS** game.
- Script for Garda
- Script for youth
- Student volunteers

LESSON 1: GARDA POWERS

Method

Introductory Activity / Hook (15 minutes)

- Introduce subject and teacher
- Ask students various questions about interaction with and perception of Gardaí
- Show the students a humorous video clip relating to Gardaí stopping and searching <https://www.youtube.com/watch?v=TOCHqcaK9wy>
- Seek a show of hands on who likes the Gardaí
- Explain the activity to the students:

KNOW YOUR RIGHTS!

Each student will be given both a yellow (true) and red (false) card. The students will then be given twenty scenarios by the teacher relating to Garda stop & search, and arrest & detention powers. On the whistle students will raise the yellow card if they think a scenario is true and red if they think it is false. Students will be given 10 seconds to answer each question. The final scores will be recorded on the copy. Students will then be asked their opinions as to why they selected a certain answer on 3 out of the 20 questions. The answers will then be revealed and the scores will be added up to assess the class's knowledge.

Questions

1. You are entitled to a Garda's badge number (True)
2. A Garda can stop you for whatever reason he/she likes (False)
3. When requested you must provide a Garda with your bank details (False)
4. All search warrants need to be issue by a Judge (False)
5. You can arrest a Garda if you see him/her committing a serious crime (True)
6. If arrested by a Garda you have a complete right to silence in all circumstances (False)
7. Your right to silence can be used against you (True)
8. You are innocent until proven guilty (True)
9. If arrested you have a right to have your solicitor present during all questioning (False)
10. When arresting you a Gardaí must inform you of your rights (True)
11. You can tell a Garda to 'F**k off' without consequences (False)
12. If you are sitting on a friend's wall and Garda requests you to move you must comply (True)
13. A search warrant is invalid if there is a spelling mistake relating to your address (False)
14. A Garda can strip search you upon arrest under certain circumstances (True)
15. A Garda can hit you with his baton if he doesn't like the look of you (False)
16. A Garda can arrest you if you don't pay a library fine (False)
17. You can be held for up to 7 days for questioning in some circumstances (True)

LESSON 1: GARDA POWERS

- 18. You can be arrested for being drunk whilst walking down O’Connell street (True)
- 19. The Gardaí must feed you whilst you are in their custody (True)
- 20. All Gardaí must be able to communicate with foreign nationals in their native language (False)

N.B: Pick three wrong answers and discuss in more detail. Teacher allows class to pick two questions for more detailed discussion.

Question recording example. Answer decided by a majority showing.

Question	Correct Answer	True	False
1	True	X	
2	False		X
3	False		X
4	False	X	
5	True		X
6	False	X	
7	True		X
8	True	X	
9	False		X
10	True	X	
11	False		X
12	True	X	
13	False	X	
14	True	X	
15	False		X
16	False	X	
17	True	X	
18	True		X
19	True		X
20	False	X	
Final score			
Correct Answers			

LESSON 1: GARDA POWERS

Central Activity: Narrated simulated scenario (5 Minutes)

- Ask two students to volunteer to play the role of a Garda and youth
- The two students will be asked to dress in uniforms provided to fulfil the role.
- Ask the remaining students to turn their backs and sit the opposite way until the scene is set
- Question for students to consider whilst role-play is being prepared [Would they consider a career as a Garda?] Secret ballot – Assistant will collect and answers will be revealed at end of class.

Scene

A young man is walking up Carey's road with his hood up while holding a mobile phone in each hand. The Gardaí have received a report of a stolen mobile phone. The perpetrator has some similar characteristics to the young man. The Gardaí stop the young man.

Script

Garda: [SHOUTING] Hi you come here to me a minute

Youth: For what?

Garda: Where are you coming from?

Youth: Mind your own business

Garda: Don't be smart with me now answer the question like a good little boy

Youth: I'm coming from your mother's house

Garda: What's your name boy?

Youth: My name is Ben

Garda: Ben what? [WRITES BEN IN NOTEBOOK]

Youth: Ben Dover you clown

Garda: Give me your real name you little Gobshite

Youth: Alright so... It's Jack [PAUSE FOR 2 SECONDS] Jack Russell

Garda: Do you know anything about an iPhone

Youth: Yeah I do actually.... I know that they are made in China

Garda: Don't be smart. What I mean is do you know anything about a stolen iPhone?

Youth: Aaaaaahhhhhh you should have said that. The answer is NO!!!!!!!

Garda: I'm going to search you

Youth: On what grounds?

Garda: We have received a report that an individual matching your description has been involved in a the theft of a mobile phone

Youth: You're not touching me unless I have my solicitor present

LESSON 1: GARDA POWERS

Garda: I don't need your solicitor to be present

Youth: You do yeah my solicitor told me the last day to never talk to the Gardaí unless she is there

Garda: Put your hands up there boy [Garda walks towards youth to search him]

Youth: [Knocks out Garda with a punch]

Garda: [Falls to floor] **THE END**

Engagement & class discussion (15 Minutes)

[Teacher briefly outlines reasonable suspicion]

Was the Garda allowed to question the youth about the alleged offence?

Was the Garda allowed to search the youth without his solicitor present?

Was it significant that the youth fitted the description of the offender?

If there was no report for a crime could the Garda still have searched the youth?

Ask the class what they would have done if they were in the youth's position

Divide the students into groups of 5. Ask the class to discuss the five questions. Take one answer from each group at random. Nominate group captain to answer. The teacher will provide definitive answers after accepting each group's ideas and answers.

Additional Class Questions / Reveal pole results (5 Minutes)

LESSON 2: RIGHT TO PRIVACY

THE RIGHT TO PRIVACY

Goals:

- I. Introduce Students to the concept of fundamental rights.
- II. Inform them on how their age affects the application of these rights, in particular, the right to privacy.
- III. Teach them that a right is not absolute, and may be violated under certain circumstances.
- IV. The delivery of material will remain student centred and the students will be working in groups/engaging in discussion as much as possible.

Objectives

- I. Knowledge Objectives: From this lesson, students will be better able to:
 - i) Explain the basic concept of fundamental rights.
 - ii) Have an understanding of the right to privacy and where this right comes from.
 - iii) Understand how their age affects the application of these rights.
- II. Skills Objectives: From this lesson, students will be better able to:
 - i) Engage in a respectful debate.
 - ii) Identify the rights they have.
- III. Attitude Objectives: From this lesson, students will:
 - i) Appreciate that they possess fundamental inalienable rights, such as the right to privacy.

Materials Needed:

- White Board Markers
- Timer
- Worksheets
- IT materials: Video

Procedure

- 1) Group students. Shuffle if potential for disruptive behaviour.**
 - i) Give each student a number from 1 to 6
 - ii) Group students with the same number into smaller groups
 - iii) Achieve small groups of 4-5 students
- 2) Play a game of aliens. Duration - 10 minutes**
- 3) Give an envelope to each group of 4-5 students. Each envelope will contain 10 slips of paper. On each slip will be a fundamental right. (Find below)**
- 4) Explain the game:**
 - i) Tell the students that aliens have taken over the country. Thankfully, they are friendly aliens who want to let us live our lives without interruption. However, they think we have too many rights. They have asked you to meet as a group to eliminate 4 of your rights- the rights that are least important to you. You must come to a unanimous decision.
 - ii) Allow the students 3 minutes to make their decision.
 - iii) Give the students a 40 second warning to make their decision.
 - iv) When the time is up, collect the discarded rights from the students.

LESSON 2: RIGHT TO PRIVACY

- v) Tell the students the aliens are very happy with their work, but they still think you have too many rights. Give the students a further 3 minutes to eliminate 3 more rights. Remind the students that the decision they make must be unanimous. Give the students a 40 second warning that time is nearly up. When the time is up, collect the discarded rights from the students.
- vi) Ask one student from each group to volunteer to write the rights chosen by their group on the white board with the white board marker.
- vii) Ask the students why they consider the rights that they have chosen to be the most important rights.

5) Introduce the right to privacy: Duration - 5 minutes

Play the opening two minutes of the following YouTube clip:

<https://www.youtube.com/watch?v=H0gPIQP63VQ> – Friends - Ugly naked guy best bits. This video shows a number of clips from the popular sitcom, Friends. In each clip, the friends are spying on their neighbour, ugly naked guy. The final clip shows the friends horrified as they realise someone is watching them through a telescope. The aim of using this clip is that the ironic juxtapositions of the friends attitudes to being the spy or being spied upon will encourage the students to consider the right to privacy.

Questions for the students:

- i) What is happening in the final clip?
- ii) Is there anything wrong with what is happening?
- iii) Do you think the fact that they are at home makes a difference in this situation?

6) Allow students to consider privacy in relation to their everyday lives. Duration- 10 minutes

- i) Give each group of students a list of examples, which may constitute an invasion of privacy. (List provided below)
- ii) Ask them if they would classify those events as a breach of privacy, and why? Give the students 3 minutes to consider their answers.
- iii) Ask them to come up with 5 further examples within their groups. They will have a further 3 minutes to complete this task.
- iv) Engage in an open discussion with the students. Ask the following questions:
 - v) What sort of things do people expect to be private?
 - vi) Why do we protect privacy?
 - vii) But, if you're not doing anything wrong, what do you have to hide?

7) Where does the right to privacy come from? Duration - 3 minutes

- i) Inform the students about Article 40.3 of the Irish Constitution. Produce exact wording on the projector or write on white board. Give a brief explanation that privacy is an unspecified personal right. The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.
- ii) It is also protected under Article 8 of the European Convention on Human Rights.

LESSON 2: RIGHT TO PRIVACY

8) Should this right be absolute? Duration - 8 minutes

- i) Ask the students if they believe that there are certain situations where it is okay to violate the right to privacy?
- ii) Take a brief answer from a single student in each group. For the sake of timing, do not allow the students to engage in a full blown class discussion at this stage.
- iii) Ask the students to consider the following youtube video:
<https://www.youtube.com/watch?v=NW9iwS3rTvo> Drug testing for Middle schoolers. Taken from the ABC show nightline. The video considers the legality of asking 12-13 year old children to submit to random drug testing if they want to partake in afterschool activities. It showcases the viewpoint of those both for and against implementing the random drug testing. It is argued that this is a breach of the 4th and 14th amendments to the United States Constitution. The point of including this video is to encourage the students to consider the right to privacy in the context of school age children and minors.
- iv) Questions for after the video:

Do you think it is fair to have drug testing in schools for children so young?

Do you think it is right that a child should be excluded from an after school activity for refusing to take part in random drug testing?

9) Mention an example of a case and the outcome.

Veronica School District v Wayne Acton – The parents of school athletes were required to consent to random drug testing. A refusal of consent would deem the student ineligible to play. Wayne Acton’s parents refused on the grounds that it violated his rights under the fourth (secure person. Protection against unreasonable interference) and fourteenth (privacy) amendments to the United States Constitution. The court was of the opinion that warrants are not always practical and a search unsupported by probable cause does not render it unconstitutional. In following on from hill Justice Scallia held that when an athlete chooses to join a team, the voluntarily subject themselves to a degree of regulation even higher than that imposed on students generally.

Debrief

- i) Aim to understand how much of the information has been absorbed by the students.
- ii) Ask the students the following questions:
Did you realise you had so many rights?
Do you consider the right to privacy to be a considerably important right?

LESSON 2: MATERIALS

Activity 1:

The right to privacy

Freedom of speech

Equal protection under the law

Right to life

Right to education

Right to travel

Right to liberty

Right to vote

Freedom from unreasonable search and seizures

Right to a lawyer

LESSON 2: MATERIALS

Activity 2:

Examples of Breach of Privacy

Consider the following examples, and working in your group, come up with 3 further examples of a breach of privacy.

- 1) Your parents take your phone and read your text messages/ look at your social media accounts.
- 2) Your teacher asks to look in your school bag/ locker.
- 3) A friend eavesdrops on your conversation.
- 4) _____
- 5) _____
- 6) _____

LESSON 3: CRIMINAL LAW & JUVENILE JUSTICE

CRIMINAL LAW & JUVENILE JUSTICE

I. Goals:

- Introduce students to criminal law and juvenile justice.
- Invite students to express their definition of what a crime is and what they think criminal law is and what they think juvenile justice is.
- Encourage students to partake in 'Should it be a crime?' game and to work together in teams to make decisions.
- Identify the age of criminal responsibility and how juvenile justice is carried out.

II. Objectives:

(a) Knowledge Objectives: Through this lesson, students will be better able to:

- i. Understand what a crime is and what criminal law is.
- ii. Identify the basis of how laws are formed.
- iii. Comprehend the age of criminal responsibility and the basics of juvenile justice.
- iv. Develop opinions on criminal law and juvenile justice.

(b) Skills Objectives: Through this lesson, students will be better able to:

- i. Articulate when juveniles should be tried as adults and when they should not.
- ii. Enhance decision making, communication and listening skills by participating in a group activity in making democratic decisions.
- iii. Develop critical thinking skills through debate and 'Should it be a crime?'
- iv. Identify the age of criminal responsibility in Ireland and explain why it is set at this age.
- v. Voice their opinions to the class and engage in respectful debate.

(c) Attitude Objectives: Through this lesson, students will:

- i. Become more familiar with the definition of a crime and what criminal law is.
- ii. Be cognizant of the age of criminal responsibility and the penalties for juvenile crime.
- iii. Understand how the juvenile justice process works.
- iv. Fathom the basis of how laws are formed.

III. Materials Needed:

- A laptop to play the video hook for the class.
- A USB containing the video hook.
- Chalk to write on the blackboard or whiteboard markers to write on a flap chart or whiteboard.

LESSON 3: CRIMINAL LAW & JUVENILE JUSTICE

- One envelope containing forty printouts of the activity sheet 'Should it be a crime?'
- A PowerPoint presentation.

IV. Classroom Methods:

(a) Introduction: [1 minute]

Introduce self to the class and give students a brief synopsis of what will be taught and the activity to be carried out.

(b) Hook: [1 minute]

Show pupils a short clip from the cartoon South Park of Eric Cartman pretending to be a police officer. This will help break the ice and relieve any tension or awkwardness. The humorous nature of the clip should put students at ease, pique their interest and help them connect to you.

(c) Introduction to crime and criminal law: [3 minutes]

- Question the class on why they think we have laws.
- Ask students what their definition of a crime is and write it on the board.
- Ask students what their definition of criminal law is and why we have criminal law.

(d) Juvenile Justice: [5 minutes]

- Invite the class to share what they think the age of criminal responsibility is in Ireland. [1 minute]
- Ask the class what they think of the age of criminal responsibility in Ireland – Is it too high, too low, or appropriate? Why? [1 minute]
- Highlight section 52 of the Children Act 2001 (as amended by section 129 of the Criminal Justice Act 2006) and explain that the general rule of law is that a child under 12 years of age shall not be charged with an offence. However, a child aged 10 or 11 years may be charged with: murder, manslaughter, rape, rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 or aggravated sexual assault.
- Question the class on what they think happens to a juvenile who commits a crime in Ireland. [1 minute]
- Inform the class that the treatment and punishment of young people who commit crime in Ireland is governed by the Children Act 2001 (as amended by the Criminal Justice Act 2006). [30 seconds]

LESSON 3: CRIMINAL LAW & JUVENILE JUSTICE

- vi. Inquire as to whether the class thinks that children and adults have the same rights under the law. [1 minute]
 - vii. Advise the students that children have the same rights as adults under the law. [30 seconds]
- (e) Secondary hook: [9 minutes]
- i. Show the class a picture of Robert Thompson and Jon Veneables and ask them who they think the children in the picture are. [30 seconds]
 - ii. Play the class a snippet of the news report on the Jamie Bulger case. [1.43 minutes]
 - iii. Explain to the class that in 1993 James Bulger was two years old when he was kidnapped from a shopping centre in Merseyside in Liverpool by two ten year old boys, Robert Thompson and Jon Veneables, and brought to a nearby train track where he was tortured and killed. [30 seconds]
 - iv. Inform the class that Robert Thompson and Jon Veneables were tried as adults and were the youngest children to be convicted of murder in the United Kingdom. [30 seconds]
 - v. Invite the class to share their opinions on the age of criminal responsibility in the UK & Ireland. [3 minutes]
 - vi. Encourage the students to share their opinions on whether they feel Robert Thompson and Jon Veneables should have been tried as adults and their reasoning behind their opinions. [3 minutes]
- (f) Activity: [19 minutes] – see appendix 1
- i. Divide students into groups of four or five depending on the size of the class. [2 minutes]
 - ii. Distribute activity sheets ‘Should it be a crime?’ to every pupil. [1 minute]
 - iii. Explain to students that they must read the sheet and come to a consensus as a group as to what they think should or should not be a crime and mark it on the activity sheet. [2 minutes]
 - iv. Ask students what they decided should or should not be a crime and write their answers on the board and ask the students to express the reasons behind their decisions. [6 minutes]
 - v. Write the students answers on the board in two separate columns: one column for yes, it should be a crime and another column for no, it should not be a crime.

LESSON 3: CRIMINAL LAW & JUVENILE JUSTICE

- vi. Write the students reasons for determining whether an act should be a crime or should not be a crime in list format next to the first two columns.
- vii. Request students to reflect on the acts they have determined to be crimes and as a group rank these crimes on a scale based on the severity of the crime. [3 minutes]
- viii. Invite each group to discuss how they ranked the crimes and why they ranked them as such. Write the crimes as headings on the board and fill in the rankings the students gave each crime. [3 minutes]
- ix. Collect activity sheets once the activity has been completed and all feedback from the students has been received. [1 minute]

(g) Debrief: [2 minutes]

- i. Explain to the class that laws are made to maintain social order by helping people to survive, to balance the interests of different people, to keep society together and protect people from harm.
- ii. Tell the class that laws are shaped by economy, culture and morals.
- iii. Explain to the class the different methods of juvenile punishment in Ireland include the Garda diversion programme, formal and informal cautions, supervision under a juvenile liaison officer, family conference, an action plan, a behaviour order, a good behaviour contract, community service order, probation, and as a last resort imprisonment in a young offenders institute in the National Children Detention Facility in Oberstown, Lusk, County Dublin. Tell the class that children are tried separately in the Children's Court.

V. Evaluation:

- Request the students to share what they learned in the lesson.
- Ask the students what they found most interesting about the lesson.
- Invite students to tell the class what they think of the juvenile justice system.
- Inquire as to whether the students are more informed than before about criminal law and the juvenile justice system after the lesson.
- Thank the students for their time, patience and participation in the lesson.

LESSON 3: MATERIALS

Activity:

Should it be a crime?

1. John steals his friend's school bag as a joke and hides it in the changing rooms. Yes ___
No ___
2. Conor is playing soccer and kicks the ball at his neighbour's window on purpose and breaks it. Yes ___ No ___
3. Leanne is 16 years old and takes her parents' car for a joyride around town without permission. Yes ___ No ___
4. Alex is walking to class and accidentally knocks another student over in the hallway who sprains their ankle. Yes ___ No ___
5. Niamh is 14 years old and caught drunk near her local community centre by the Gardaí. She is aggressive and disruptive. Yes ___ No ___
6. Jack is buying food in the shop and the cashier gives him €5 change extra by mistake. He doesn't tell the about the mistake and leaves the shop with the money. Yes ___ No ___
7. Kevin and Andrew steal some spray paint from a shop and graffiti their school. Yes ___
No ___
8. Daniel is 11 years old and is constantly in trouble with his parents for misbehaving. In his anger at his parents after one severe argument, he murders his baby brother to seek revenge on them. Yes ___ No ___
9. Lucy witnesses a girl in her class, called Ciara, flirting with the boy she likes. After school, Lucy confronts Ciara at her locker and beats her up. Yes ___ No ___
10. Cillian is 4 years old and takes a kinder egg off of the shelf in Dunnes and eats it when his mother is not paying attention. Yes ___ No ___

LESSON 3: MATERIALS

11. Emily is 15 years old and has a crush on a boy in her class called Darragh. Darragh asks Emily for explicit images of herself, and in order to impress him and make Darragh like her, Emily sends him explicit images of herself. Darragh sends the images of Emily to everybody in their year at school and posts them on Facebook, which makes Emily feel frightened and humiliated. Emily is subsequently bullied and harassed every day at school and online because of the images. Yes ___ No ___

LESSON 4: SPORT AND THE LAW

SPORT AND THE LAW

Goals

- Introduce students to the concept of the law surrounding sports and sporting incidents.
- Generate a discussion on the differences between a criminal assault and a tackle that is within the rules of the sport, and the grey area between the two.
- Introduce the concept of 'foreseeable injury' in contact sport.
- Give the students an understanding of the term 'assault' and discuss why very few assaults in sports are tried before a criminal court in Ireland.
- Inform the students of a few cases where sporting incidents have gone before the Courts and other relevant disciplinary boards and the repercussions endured.

Objectives:

Knowledge Objectives:

From this lesson, students will be better able to:

- i. Understand the concept of sports law,
- ii. Understand the concept of assault; what it is and what Act it is governed under,
- iii. Understand what a 'foreseeable injury' is in contact sports,
- iv. Understand the rules of sports,
- v. Consider situations where sporting incidents should, in their opinion, become a matter for the Courts and not the referee,
- vi. Consider the impact of other disciplinary action, other than legal action, which may be inflicted upon players who break rules of the game.

Skills Objectives:

From this lesson, students will be better able to:

- i. Develop capacity to recognise and value individual voice within group processes,
- ii. Share opinions in a clear and concise manner,
- iii. Collaborate with peers to make a unanimous decision,
- iv. Consider classmate's opinion to help develop/reconsider their own views,
- v. Respect another student's opinion, not interrupt or speak over another student and wait to be called upon before speaking,
- vi. Consider the facts of a scenario, and collectively as a group, make a decision on whether the actions are right or wrong, and assign a punishment accordingly.

Classroom Methods:

Materials:

- 1) 15 copies of activity one (*see Appendix 1*), one copy per group.
- 2) 15 copies of activity 2 (*see Appendix 2*), one copy per group.
- 3) A copy of the answer sheet (*Appendix 3*), for my use only.
- 4) 15 sheets of 10 blue, green and red circular stickers, one sheet per group.
- 5) 4 whiteboard markers – black, blue, green and red.
- 6) A whiteboard (provided by the school).
- 7) A computer with access to the internet (provided by the school).
- 8) Projector to screen the hook (provided by the school).

LESSON 4: SPORT AND THE LAW

Procedure:

Hook: (7 minutes)

- a) Introduction – 30 seconds
 - i. Introduce myself to the class; tell them my name and the course that I am studying. Advise them that I will be leading their lesson on law today and that today's discussion will be relating to sport and the law surrounding sport.
- b) Divide class into small groups – 90 seconds
 - i. Split class up into seven groups of three students and one group of four students.
 - ii. Allow students to move to a different desk or move chair to ensure teams can work in a close proximity to one another and not interfere with neighbouring groups.
- c) Introduction to activity – 1 minute
 - i. Distribute one activity 1 worksheet to each group, containing eight sports players to each team.
 - ii. Explain to students that they are to look at each player on the worksheet and try name the player and the sport that he/she plays. Include that decisions must be unanimous.
 - iii. Ask if any team does not understand the task and allow 5 seconds for students to ask questions.
- d) Activity 1 – 3 minutes
 - i. Turn timer to three minutes and allow students to complete task on activity 1 worksheet.
 - ii. After two minutes, announce to class that there is only one minute left. After a further 30 seconds, announce to class that there's only 30 seconds remaining to complete the task.
 - iii. When time runs out, ask teams to swap completed worksheet with a neighbouring team and ensure that no team has their own worksheet in front of them.
- e) Evaluation – 1 minute
 - i. Read through each item on the worksheet, one by one, and ask one team to provide an answer for each item, asking a different team each question.
 - ii. Ask students to turn sheets over and leave on the edge of their desk.
 - iii. Ask students to remain in their teams as they will need them for a later activity.

Introduction to Sports Law: (20 minutes)

- a) Introduction – 30 seconds
 - i. Ask, by a show of hands, how many students play sports.
 - ii. Ask one student in each group what sport they play and/or who is their favourite sport person.
- b) Video 1 – 45 seconds
 - i. Show video 1 (see Appendix 4) from 00.00 to 00.45.
- c) Video 1 discussion – 2 minutes
 - i. Ask students if they see anything wrong with the behaviour displayed in the video?
 - ii. Ask students why are sports players allowed to hit each other with such force and get away with it?
 - iii. Ask students, if someone was to hit you on the shoulder and knock you to the ground on the street, how would you react? Do they think it would be illegal to do so? Why/why not?
 - iv. Why is it legal for sports players to act this way?

LESSON 4: SPORT AND THE LAW

- d) Video 2 – 45 seconds
 - i. Show video 2 (see Appendix 5) from 00.00 to 00.45.
- e) Compare video 1 and video 2 – 2 minutes
 - i. Ask students if they see anything wrong with the behaviour displayed in video 2?
 - ii. Ask students to point out the differences between the behaviour displayed in video 1 and video 2.
 - iii. Ask students doesn't this behaviour fall within the rules of the GAA?
- f) Introduction to Sports Law – 3 minutes
 - i. Introduce the concept of law of sport and how each game has its own governing body, rules and regulations and use of referees.
 - ii. Discuss the term 'contact sport' and 'reasonably foreseeable' risk of injury.
 - iii. Explain that it is reasonably foreseeable to sustain injuries when playing a contact sport and that players would be made aware of that when agreeing to play/joining the club.
- g) Video 3 – 10 seconds
 - i. Show video 3 (see Appendix 6) from 00.43 to 00.50.
- f) Video 3 discussion – 5 minutes
 - i. Compare video 3 to the previous two videos shown.
 - ii. Ask students for their opinion on the behaviour displayed in this video.
 - iii. Ask students was the injury sustained in this video reasonably foreseeable?
 - iv. Did Zidane intend on inflicting pain on Materazzi?
 - v. Inform students that Zidane received a straight red card, a 3-match suspension, a fine of 7,500 Swiss francs and 3-day community service from FIFA.
 - vi. Ask students do they think that this punishment was appropriate?
 - vii. Ask students do they think the other player involved should have received a punishment?
 - viii. Inform students that Materazzi also received a punishment for provoking Zidane; a 2-match ban and a fine of 5000 Swiss francs.
 - ix. Ask the students do they think it was fair for Materazzi to be punished?
 - x. Was the punishment too severe considering there was no physical interaction on his part?
 - xi. Compare the two punishments handed down to the players.
 - xii. Allow two minutes for a class discussion on the punishments given.
- g) Video 4 – 40 seconds
 - i. Show video 4 (see Appendix 7) from 01.45 – 02.00 and then from 02.20 – 02.45.
- h) Video 4 discussion – 5 minutes
 - i. Ask the students for their opinion on the incidents in video 4.
 - ii. Ask students are these injuries considered to be 'foreseeable' when entering into a contract to play sport?
 - iii. How to these incidents compare to those of video 3?
 - iv. Ask students do they think the players involved should have been criminally prosecuted for these incidents?
 - v. Advise students that in the first incident Suarez received a 10-match suspension for his actions. A 3-match suspension was considered to be insufficient. This decision was made by an independent 3-person board, impartial to Liverpool and Chelsea.
 - vi. Inform students that in the second incident Suarez received a 4-month ban from any football activity resulting in missing 9 matches. He was ordered to pay a fine of 100,000 Swiss francs.
 - vii. Ask students what their thought are on the punishments given to Suarez on these two separate incidents.

LESSON 4: SPORT AND THE LAW

- viii. Are they sufficient punishment?
- ix. Ask students would a bite cause more harm than a head-butt in the chest from video 3?
- x. Ask students to consider the fact that the first punishment handed down to Suarez didn't stop him from biting a player again. Do they think the second punishment might stop him acting this way against players in the future?
- xi. Considering the high level of publicity these incidents received, ask the students why did the law never intervene?
- xii. Ask students do they know of any sporting where the law did intervene?
- xiii. Discuss the case of DPP. V. James McCartan and the punishment given in that case.

Activity 2 (10 minutes)

- a) Introduction to Activity 2 – 2 minutes
 - i. In the groups the students are already in, hand out worksheets to each group.
 - ii. Explain that students are head of the GAA Management Committee and that it is their duty to revise and improve the GAA rules and guidelines for players. They have to decide which of the 8 descriptions given in this activity should be punishable by the regulating body or the Courts.
 - iii. Advise that they have 3 options. A red card, a blue card and a green card.
 - iv. In incidents where they believe that a player has breached a rule of the game, a player should be removed from that game immediately and receive a suspension of one match, a **red** card should be given.
 - v. Advise that in order to give a red card, a red sticker should be placed beside this scenario.
 - vi. If the behaviour of a player breaches the rules of the games but also the rights of a player then the referee must give a **blue** card. This means that it is out of the control of the referee and the player will be charged with a criminal offence and be tried before a judge to decide the outcome.
 - vii. Advise that in order to give a blue card, a blue sticker should be placed beside this scenario.
 - viii. If the players actions fall within the rules of the game and no further action is required, then a **green** card is awarded and the game carries on as usual.
 - ix. Advise that in order to give a green card, a green sticker should be placed beside this scenario.
 - x. Remind students that they are in charge, the rules of sport in place at the moment do not matter and that they must decide the outcome. Decision must be unanimous and are final.
- b) Complete activity – 4 minutes
 - i. Complete the first scenario together.
 - ii. Give students a few seconds to discuss in their groups and then have them report their answers.
 - iii. Remind students to consider why they are giving that colour card over the other available cards.
 - iv. After 4 minutes or so, call time on this activity.
- c) Evaluation – 4 minutes
 - i. Draw a grid on the board with 7 rows and 4 columns.
 - ii. Read each scenario on the activity sheet, one by one, obtaining an answer from each group for each scenario. Ask a different group per question.

LESSON 4: SPORT AND THE LAW

- iii. Use the different coloured markers (red, blue and green) to mark off which card each group gave the scenarios.

Recap: (3 minutes)

- a) Class discussion - 3 minutes
 - i. Ask students do they have a better understanding of the importance of rules and the use of a referee in sports now?
 - ii. Ask students would they be able to spot an assault in a sporting scenario if it occurred?
 - iii. Ask students do they understand the terms 'reasonably foreseeable risk of injury' and 'contact sport'?
 - iv. Ask students do they think the rules and regulations on sport are too lenient or too strict?
 - v. Ask students do they understand and approve of the colour-card system in GAA?
 - vi. Ask students what would they change about the rules of sports and punishing rule breakers?

- b) Conclusion - 10 seconds
 - i. Thank the class for the obedience and interaction during today's lesson.
 - ii. Commend them on their ability to grasp the information and their participation in the group activities and the class discussions.

LESSON 4: MATERIALS

Appendix 1

Activity 1 - Name the Player & the Game

A



Name:

Sport:

B



Name:

Sport:

C



Name:

Sport:

D



Name:

Sport:

LESSON 4: MATERIALS

E



Name:
Sport:

F



Name:
Sport:

G



Name:
Sport:

H



Name:
Sport:

LESSON 4: MATERIALS

Appendix 2

Activity 2 - Cards

You and your team are head of the GAA Management Committee. It is your duty to revise and improve the GAA rules and guidelines for players.

You have to decide which of the following scenarios given should be punishable by the referee or the Courts. You have 3 options.

- A **red** card: The referee gives a player a red card where he/she has breached a rule of the game and should be removed from that game and receive a suspension of one match.
- A **blue** card: The behaviour of the player breaches the rules of the games but also the victim player's rights. It is out of the control of the referee and the player will be charged with a criminal offence and be tried before a judge to decide the outcome.
- A **green** card: The player's actions fall within the rules of the game and no action is required. The game carries on as usual.

Remember: You are the in charge, there are no right or wrong answers. The current GAA rules/punishments do not matter. You decide the outcome.

Your decision must be unanimous.

1. Two players run for a ball, both players collide and fall to the ground. James gets back up ready to continue on with the game. Colin is unconscious and is taken to hospital with a concussion.

What card should James get?

2. The referee gives Ciara a warning about her behaviour. Ciara spits at the referee and gives him the middle finger. She continues to shout, curse and verbally abuse the referee.

What card should Ciara get?

3. Martin and Dylan are jostling on the pitch. Martin elbows Dylan in the stomach. To retaliate, Dylan punches Martin in the face. Other players run to their teammates defence and within seconds there is a 20 person brawl in the centre of the field.

What card should Martin get?

What card should Dylan get?

What card should the other players involved get?

LESSON 4: MATERIALS

4. Shauna shoulders Mary while waiting for the ball. Mary shoulders Shauna in return.

What card should Shauna get?

What card should Mary get?

5. Padraig scores a point. The umpire waves it wide. Padraig verbally abuses the umpire and boxes him in the face and breaks his jaw.

What card should Padraig get?

6. Jamie tackles a member of the opposing team and needlessly gives a free away. Killian (Jamie's teammate), in a temper, grabs Jamie by the helmet, pulling it off his face and pushes him until the referee intervenes.

What card should Jamie get?

What card should Killian get?

LESSON 4: MATERIALS

Appendix 3

Activity 1 Answers

A – Katie Taylor, Boxing

B – Christiana Ronaldo, Soccer

C – Simon Zebo, Rugby

D – Serena Williams, Tennis

E – Conor McGregor, MMA

F – Simone Biles, Gymnastics

G – Henry Shefflin, Hurling

H – Rory McIlroy, Golf

Appendix 4

Video 1

Name: GAA's Biggest Hits & Tackles | Motivation

By: Daragh Kelly

Published: 3rd of October, 2015 - YouTube

Link: <https://www.youtube.com/watch?v=CV0t36dyEBk>

Appendix 5

Video 2

Name: 2017 GAA Brawls

By: GAACOINtothemoon

Published: 1st of January, 2018 - YouTube

Link: <https://www.youtube.com/watch?v=zauIq8qGsa0>

LESSON 4: MATERIALS

Appendix 6

Video 3

Name: Zinedine Zidane Butthead HD

By: James J

Published: 2nd of July, 2015 - YouTube

Link: <https://www.youtube.com/watch?v=YO1TayzrHSw>

Appendix 7

Video 4

Name: Luis Suarez - All 3 Bites

By: PlatkoCZ

Published: 14th of February 2015 - YouTube

Link: <https://www.youtube.com/watch?v=jHv64hbCIJw>

MOCK TRIAL TEACHING AIDS

COURTROOM ETIQUETTE

Be Respectful, Be Respected

- Proper court room etiquette is important for anyone entering the Court
- Improper use of electronic devices, taking pictures, talking out of turn, may result in the Judge finding you in contempt of court.

Addressing the Court

Introduce yourself, your client, and co-counsel:

- *"May it please the court, my name is A I am appearing with Mr/Ms B for the State/ Defendant X"*
- *"If it pleases the court, my name is B and I am continuing the case for the prosecution/ defence"*
- In Ireland, a judge is referred to as Judge or Breitheamh.
- Alternatively, if addressing more than one judge, you may refer to all of the judges collectively as "the Court".
- Never interrupt a judge when they are speaking

Examination in Chief and Cross Examination

Examination in Chief

- This is where you question YOUR OWN witness. i.e. this person supports the version of events you wish to present to the court.
- You must ask open questions, allowing them to tell their version of events.
- Do not ask closed questions. A closed question may only be answered with a yes or no.
- Example of an open question: *"What happened on the eighteenth day after the shipwreck?"*

Cross Examination

- In contrast to the Examination in Chief, during the Cross Examination you will be questioning the witness whose testimony may contradict the narrative you seek to establish.
- In Cross Examination, the aim is to ask closed questions. A closed question will have a yes or no answer.
- You may aim to undermine the narrative the witness established during the examination in chief, or find gaps or discrepancies in the tale.
- Example of a closed question: *"Dudley, did you suggest that you all draw lots and the loser would be eaten by the others?"*

MOCK TRIAL TEACHING AIDS

THE ROLE OF JUDGE AND JURY

Judge and Jury

The judge and jury perform, what is arguably, the most important function in the criminal justice process. It is for them to determine the verdict of the trial. In Ireland, a trial by jury is used in cases of serious criminal conduct and in civil defamation cases.

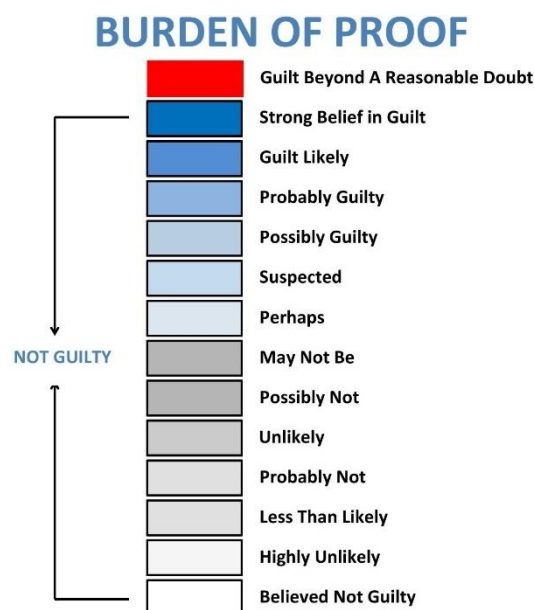
A jury will only make decisions on issues of **fact**, i.e. what actually happened. The issue of **sentencing** will be left to the judge.

The Burden of Proof

There is a certain standard of proof, which must be met to secure a conviction in a criminal case. The judge or jury must be satisfied, **beyond a reasonable doubt**, that the accused did in fact commit the crime. There are a number of reasons why the burden of proof is so high in criminal cases:

1. The punishment in the event of conviction can be quite restrictive. A lengthy prison sentence for example will curtail a number of the accused's fundamental rights.
2. The criminal law operates under the assumption of innocence. The accused is presumed innocent until the contrary is proven. "*It is better that ten guilty persons escape than that one innocent suffer*"

It is the job of the prosecution, the State (DPP) in criminal trials, to prove the defendant is guilty. The defendant is not required to refute their claims or to prove his/ her own innocence.



MOCK TRIAL TEACHING AIDS

Jury

- Listen to the evidence presented by both sides. Take into account the testimony of the witnesses.
- Decide on the facts of the case only
- Take directions relating to law from the judge, whether or not they agree with him/her
- Remain impartial and independent
- Remain uninfluenced by any person. It is an offence for any person who is not a member of the jury to attempt to influence a juror in any way. If any person speaks to a juror about the case, the juror should inform the court or a member of the Gardai.
- Keep statements made in the jury room confidential. Jurors should not discuss the case with any person other than members of the jury. It is contempt of court punishable by fine and/or imprisonment to repeat any statements made in the jury room.

Judge

- The judge merely provides guidance to the jury and makes sure that the trial is run properly.
- Listen to the statements made by the Barristers.
- Ask questions if you feel a point needs further clarification.
- Ensure the examination in chief and cross-examination are carried out correctly.
- The judge may interrupt if they feel the Barrister asks a leading question during the Examination in Chief. In this event, the judge can ask the Barrister to rephrase their question.
- Remember, a leading question is also known as a closed question. A closed question has a yes or no answer.
- Remain impartial and independent.

MOCK TRIAL TEACHING AIDS

TIPS FOR TESTIFYING IN (MOCK) COURT

1. Tell the truth

When taking the stand in Court, you must be sworn in by the Court Registrar and vow to tell the truth. If you tell a lie on the stand, you are committing *perjury*.

Get familiar with the facts of the case and be ready to answer difficult questions asked by the opposing Counsel in cross-examination. They may try to discredit you as a witness.

Be creative. Don't be afraid to add your own flare into the case. You were there, you are a witness in the case, so be as descriptive and creative as possible – without straying too far away from the facts.

2. Only answer the question being asked

Listen carefully to what you have been asked. Do not volunteer information. If you do not understand the question, politely ask for the question to be repeated.

If you are asked an open question, feel free to give as much detail as possible in order to answer the question. i.e. How did the ship become shipwrecked?

If you are asked a closed question (usually in cross-examination), yes or no answers are sufficient. i.e. Were you on the boat?

3. Be respectful

Do not interrupt Counsel when they are asking you a question. Wait until the entire question has been asked before answering. Be cooperative but concise, don't allow the opposition to misunderstand or mince your words. Do not fight with Counsel or appear to have a 'attitude'. This may be misunderstood as letting your emotions interfere with your testimony and/or weakness.

4. Be consistent

Follow the facts of the case as rigidly as possible. Inconsistencies can raise questions about your credibility and possibly lose you the case. Again, you are sworn in to tell the truth so tell it. You can be caught out telling lies or exaggerating facts.

5. Words vs Gestures

Be sure to use words – Yes or No – instead of nodding or shaking your head. Avoid smirking or laughing when on the stand or getting distracted by others in the Court.

Use phrases like *"that is all I can recall"* instead of *"I don't remember"* or *"that's all that happened"*.

Avoid saying *"I think"* where possible – be confident in your answers.



www.ul.ie/engage E-mail: ULEngage@ul.ie
Telephone: +353 61 202096