

# ADVERSARY GROUP ASSIGNMENTS

## INTRODUCTION

Below are instructions for developing the frames of reference that individual persons or different groups have while they interact in a legal controversy in our **adversary** — that is, “opposing forces” — **system of justice**. This system is designed so that no *one* element’s frame of reference dominates the proceedings in a way that “dictates” justice. Rather, our system has as its end result the justice derived from the “give and take” resulting as each of the parties involved interacts with the others. Therefore, the **plaintiff** or prosecution develops fact and reasoning sufficient to support a “charge” against someone; the **defendant** prepares facts and reasoning that will “answer” the charge and prove it false; the **judge** conducts the trial according to legal procedures and with defining and interpreting the law for all concerned; the **jury** decides what is fact and what is opinion and whether or not these facts prove liability or guilt under the law as explained by the judge; and, finally, the **appellate court** reviews the actions and interpretations of all the four parties mentioned to determine if any party in the case either erred or was unjustly treated.

## PREPARING ASSIGNMENTS

(Use your own paper for preparing the assignments below.)

### Frame of Reference: PLAINTIFF or PROSECUTION

1. List all facts from the case study that show the defendant is either liable for damages because of some act harming the plaintiff or his property or is guilty of some crime injuring a citizen of the state or his property.
2. Find in the STUDENT HANDBOOK a description of a law or laws which would fit the facts of this case. Then list their location for easy reference.
3. Outline in *complete sentences* at least three reasons why the plaintiff has a cause of action. Beneath each reason, list a fact or facts supporting your conclusion.
  - Reason 1 ...**
    - a. *Fact 1 ...*
    - b. *Fact 2 ..., etc.*
4. Appoint a spokesperson to give your Frame of Reference (the outline above) in an oral report to the other adversary groups.

### Frame of Reference: DEFENDANT

1. List all facts from the case study that show the defendant is not guilty of a crime because a-he/she *did not actually commit* a criminal act; or because b-he/she *did not intend to commit* the act; or because c-he/she *did not know right from wrong* (or was legally incapable of making a rational decision) at the time the act was committed. If the defendant is charged with a civil offense, that is, breaking a contract or committing a tort — list all facts showing the defendant a-did not commit the act; or b-did the act, but only because the plaintiff’s act or negligence forced him to; or c-did the act, but because of youth, he was unable to make a rational decision.
2. Find in the STUDENT HANDBOOK a description of a law or laws which would support the innocence of the defendant and list their location for easy reference.
3. Outline in *complete sentences* at least three reasons why the defendant is innocent of any crime or liability. Beneath each reason, list a fact or facts supporting your conclusion.
  - Reason 1 ...**
    - a. *Fact 1 ...*
    - b. *Fact 2 ..., etc.*
4. Appoint a spokesperson to give your Frame of Reference (the outline above) in an oral report to the other adversary groups.

### Frame of Reference: JUDGE\*

1. After carefully reading the case study, study your STUDENT HANDBOOK to find laws that would be relevant for this case. Write out these laws in your own words.
2. Using your study of the law above, outline instructions you will give the jury about what laws apply if the jury decides a set of facts is true. (In a juvenile case, assume your instructions would be given to the parents and any other adults involved, such as school officials.)
3. Again study your STUDENT HANDBOOK to find out what penalties you will assign the defendant in case the jury determines that he/she is guilty. (In a juvenile case you also perform the function of the jury; hence, you decide guilt or innocence as well as the penalty.)
4. Appoint a spokesperson to give your Frame of Reference (the answers above) in an oral report to the other adversary groups.

\*(Judges also rule on what evidence may be sub-