

Ensure Students Are Learning: Faculty Descriptions of Innovative Teaching Practices

Instructor Uses Mock Trial to Teach Critical Thinking Skills

Innovative Teaching Practice Description:

Inspired by the Supreme Court's "trial" of *Hamlet*, presided over by Justice Anthony Kennedy in 1994, this instructor brings the law and humanities together to help students develop their critical thinking through a mock trial of their own. As an example, the instructor will use *Medea*, a Greek tragedy in which the main character seeks revenge on her husband and murders her children.

Although students are introduced to the assignment at the beginning of the semester, this activity takes place over four class meetings later in the semester. The first class meeting for this activity is structured as a flipped classroom in that students must read the play before class. During the first class meeting, students break into two groups: the defense and the prosecution. Each team discusses what they learned about the play and selects roles. The defense team comprises a defendant and three to five attorneys; the prosecution comprises a primary witness and three to five prosecutors. Students who do not have a role as an attorney, defendant, or witness will later serve as jurors. The instructor serves as the judge and presides over the trial.

Each team has one week to work together outside of class to prepare a preliminary brief outlining their arguments. These briefs are presented to the entire class during the second class meeting. The instructor provides students with access to three items in Google

Docs: 1) revised state statutes (also available online), 2) rules for criminal proceedings, and 3) a document outlining the structure of a trial. Students use these sources as a starting place but are free to use additional resources as needed to build their case. Because there is no dispute as to whether or not Medea committed murder, the goal for each team is to build a case for or against the harshest level of punishment. This may be done by using lines or scenes from the play to demonstrate premeditation. Before the trial begins, the briefs are presented to the entire class and all students are encouraged to provide feedback. During this time, the instructor assesses the extent to which students have engaged with the material by looking for evidence that they grasp the nature of the characters, understand the play, and can develop appropriate arguments.

The mock trial begins during the third class meeting. As students are engaged in the mock trial, the instructor pays careful attention to how the characters are portrayed as a way to determine if students took the time to learn their character. He also looks at the type of arguments the teams make, noting whether they effectively marshalled sufficient evidence to support their claims and incorporated elements of the play in their narratives. Notably, because the jurors do not have such an active role in the mock trial, their deliberation is set up as a fishbowl activity. The students who serve as jurors deliberate in front of the class, pointing out where they believe there

are argumentative flaws or missing evidence, while the rest of the class observes. The difference is that the observers will not offer feedback to the jurors immediately following the deliberation; instead, they will offer feedback during a final debrief after the trial ends. Although the jurors are not as active in preparing arguments, they must demonstrate their understanding of the material through their deliberations and use elements of both the trial and the play to support their position.

This assignment concludes with a class-wide debrief (discussion) on the fourth class meeting. The final debrief gives students the opportunity to provide each other feedback about their roles and their arguments. During this time, the instructor carefully attends to students to ensure that each student has an opportunity to share their thoughts. The debrief is designed to provide students with feedback on how well they argued cases, used appropriate evidence, and

portrayed their roles. The course is not designed to teach law: The instructor leverages contemporary law principles to help students engage with classical work in a creative way and examine how issues in the play, such as exacting revenge, still hold true today. The overall goal it is to help students engage with readings, develop critical thinking skills, and learn to effectively support an argument.

How to Ensure Participation in This Innovative Teaching Practice:

The instructor encourages participation by giving students an opportunity to take on roles they connect with. The instructor also plays an active role in the mock trial and creates various opportunities for discussion throughout the project.