

# *To Kill a Mockingbird* and Courtroom Procedures II: Interview with a Criminal Attorney (Research for the Mock Trial)

By Courtney Lubs

## Overview

This is a three-day lesson. Plan for two days to write interview questions and one day to interview a local attorney. Before you begin, you will first need to contact a criminal attorney in your community who is willing to visit your classroom. (This contact must be made well in advance, as the visit is vital, in terms of timing, to this set of lessons. Parents of students are usually a good resource.) This attorney will serve to help students delineate the reality of a criminal trial from any glorified fiction they may have received from media such as TV or film. Students will use this opportunity to collect information for conducting their own criminal trial, following the reading of the trial scenes in *To Kill a Mockingbird*.

## Student Objectives

Students will:

- Prepare for an interview by creating a set of questions relating to how an attorney might prepare for a criminal trial
- Utilize the fundamentals of the writing process to construct questions; students will prewrite, write, and revise questions
- Ask questions in a large group interview setting
- Understand the role of an attorney in a criminal trial
- Understand the methods used by an attorney to prepare for a criminal trial

Skills attained:

- Practice in open-ended questioning/interviewing
- Active listening
- Synthesis of information from an interview
- Evaluation of a research source (interview/interviewee)

## Materials Needed

- Handout on Interviewing Pointers provided below
- Attorney to speak in class
- Student prepared questions, either already given to speaker or asked during presentation. I have asked which the presenter prefers to make this determination.
- Possibly a larger room other than your classroom
- Video camera with tape if you wish to record for review or later use

## The Lesson

This is really a lesson in two parts. Students are first to write interview questions in order to prepare for a guest speaker. Then, they will use these questions to collect information

## Anticipatory Set

1. Now that we know who is involved in a criminal trial, we can take a look at what an attorney does to prepare his/her case. We will do this by inviting a local attorney to come and speak with us. But first, we must prepare a set of interview questions so that we can collect information. Remember that you will use this information to help you conduct a trial of your own.
2. Students will need notes from the film and job descriptions written during Lesson I

## Procedures

1. Students will receive handouts about interview questions
2. Discuss handouts with students, making sure they understand the goals of asking interview questions in this context. This lesson could take from 15-20 minutes.
3. Students should next figure out what they already know about what attorneys do. Allow them 4-5 minutes to generate a list in small groups of what an attorney does (you may separate prosecutors from defense attorneys if you choose).
4. Integrate students' lists on the board or transparency, so that students can see complete picture. Then begin to probe students about HOW attorneys complete these actions. As they develop ideas, they will begin to separate what they know from what they need to learn.
5. For the remainder of class, allow students to work in small groups to write preliminary interview questions. These will be revised in class tomorrow. Students should use their handouts as a guide. If technology is readily available and accessible, students may want to take a look at a helpful Web Site. "An Anatomy of a Criminal Trial," and is available from Nolo: **Law for All** at [http://www.nolo.com/encyclopedia/articles/crim/crim\\_trial.html](http://www.nolo.com/encyclopedia/articles/crim/crim_trial.html).
6. The next day, have a class workshop on revising questions. Eliminate repeats first; then assign a set of questions to each group to revise. Try to distribute so that each group is seeing new questions, rather than questions they authored. Revision should be based on information in handouts. Circulate during this activity to offer suggestions.
7. Following the revision workshop, groups should reflect on how and why they revised. In a paragraph or two, ask students to explain what they did to improve each question, and how they believe their changes served to enhance the questions.
8. At the end of the class session, collect questions and justifications. Type questions in large print (approximately 14 point font) and cut out to distribute to students to ask during interview. Or, have a logically organized list to offer to the guest speaker prior to the interview, so s/he can prepare. Choose whichever works best for your situation.

## Assessment

- \_\_\_ 10 points (2 points each) Students use group time effectively, coming up with 5 good questions.
- \_\_\_ 10 points (2 points each) Students' questions demonstrate application of premises of interview questions, as discussed in class and as distributed on handout.
- \_\_\_ 10 points (2 points each) Students effectively revise questions, as presented in class discussion and on handout.
- \_\_\_ 20 points (4 points each) Students understand and articulately explain reasons for revision of questions.
- \_\_\_ 50 points total

## Other Historical Connections

For clearly articulated histories of the evolution of the Jim Crow system see, Leon Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow*, and Edward L. Ayers, *The Promise of the New South: Life After Reconstruction*. Important images of the Jim Crow South can be found

in Margaret Bourke-White and Erskine Caldwell, *Have You Seen Their Faces*, and at the Library of Congress's American Memory Collection Web Site. For an important analysis of documentary images see, William Stott, *Documentary Expression in Thirties America*.

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## Interviewing Pointers

1. **Research the person.** The information you discover about the person you plan to interview may affect what kinds of questions you ask, as well as the responses you receive for these questions. Consider this person's background, education, specialty, and experience before you begin to construct questions.
2. **Use the "Journalistic Questions" to guide you.** All effective journalists look for answers to the following basic questions. Certainly questions may get more complicated as the interview progresses, but this is a place to begin:

*Who* (i.e. Who researches the events of the crime?)

*What* (i.e. What does a researcher look for?)

*Where* (i.e. Where does a researcher look?)

*When* (i.e. When should the research process begin?)

*Why* (i.e. Why is voir dire so important?)

*How* (i.e. How are jury members selected?)

3. **Ask OPEN rather than CLOSED questions.** Open questions require a more thorough response, while closed questions only require a simple response.

Ex: Will you tell us about the process of jury selection? (open)

Ex: How may people serve on a jury? (closed)

4. **Beware of asking slanted or loaded questions.** These types of questions will cause you to get a response that is biased (not authentic). Asking slanted or loaded questions suggests, for the interviewee, an idea/opinion that s/he is not actually trying to assert. In other words, a loaded question puts an interviewee in a position that is uncomfortable and/or seems to "put words in his/her mouth."

Ex: You want to pick a young jury for that case, right?

Ex: Isn't it tough to defend someone, like Bob Jones, who you know is guilty?

5. **After writing your questions, organize them in a logical, thoughtful order.** Consider follow-up questions. Use what you already know to build on what you are trying to learn. For instance, you would not ask about the process of delivering a verdict before asking how a jury is selected.