Richard and Pat Johnson
Palm Beach County History Museum

Grade 4 Lesson Plan

The Barefoot Mailman

Grade 7 Lesson Plan

And Justice for All
The Richard and Pat Johnson Palm Beach County History Museum is located on the second floor of the restored 1916 Palm Beach County Courthouse, 300 North Dixie Highway, downtown West Palm Beach, Florida.

See Parking options on next page before choosing your route.

From the North:
From I-95, exit at Palm Beach Lakes Blvd and turn left/east. At Dixie Hwy/US Hwy 1, turn left/north. At 3rd Street, turn left/west. The 1916 Courthouse is on the left, on the southeast corner of Dixie Highway and 3rd Street.

From the South:
From I-95, exit at Okeechobee Blvd East and turn right. At Olive Ave, turn left/north. At 3rd Street, turn left/west. The 1916 Courthouse is on the left, on the southeast corner of Dixie Highway and 3rd Street.

From the West:
Take Okeechobee Boulevard east. At Olive Ave, turn left/north. At 3rd Street, turn left/west. The 1916 Courthouse is on the left, on the southeast corner of Dixie Highway and 3rd Street.
Parking/Loading/Unloading

On the south side of 3rd Street, between the 1916 Courthouse and the Governmental Center, there is a Loading/Unloading Zone. The wide sidewalk there leads to the rear, first floor entrance to the Courthouse. Space accommodates two (2) buses.

Public Parking

Metered parking is available on surrounding streets and in the easternmost public lot entered from 4th Street. Parking garages are located at 4th Street and Olive Ave, and on Banyan Street.

If buses remain parked in the bus loading/unloading zone, the driver must remain with the vehicle. If any vehicle is left unattended, enforcement patrols may ticket the vehicle. The Historical Society of Palm Beach County is not responsible for vehicles ticketed by law enforcement.
Scheduling a Museum Experience

Galleries/Courtroom
The Museum has three second-floor galleries—the People Gallery, Places Gallery, and Temporary Gallery—and a third-floor gallery in the historic courtroom. A tour lasts approximately 1.5 hours.

Museum Tour Grade Levels
The Museum Experience is designed for Grades 3-12. It also complements the Grade 4 Florida History curriculum with a focus on local history, and the Florida History tabloid. The experience can complement the Grade 7 Civics and Palm Beach County History tabloid. (Both tabloids are created by the Historical Society of Palm Beach County, and printed and distributed by The Palm Beach Post.)

Scheduling a Tour
To schedule a tour led by a Museum docent, please contact the Tour Coordinator (561.832.4164 ext. 110 from 10-5 pm M-F; fax 561.832.7965; or email rgordon@HSPBC.org). You may also contact the Education Coordinator at 561.832.6164 ext. 104 or rguerero@HSPBC.org. Please have the following information available: Name, school, address, phone, email, grade and number of students, number of adult chaperones, requested tour date with two alternate dates. Once the tour has been scheduled, a confirmation will be sent by email. The Museum can accommodate 44 people at a time, which will be divided into two groups of 22. You may discuss larger groups with the Tour Coordinator.

Cancellations
To avoid cancellations, check your school’s calendar for test dates, holidays, special activities, etc., before scheduling your tour. If you must cancel a tour, call and/or email the Tour Coordinator as soon as possible.

Admission
The Richard and Pat Johnson Palm Beach County History Museum is always admission-free.

Museum Entrance
The main entrance to the 1916 Courthouse is on the west side, facing Dixie Highway, which leads to the second floor and the Museum.

Students with Disabilities
When making a reservation, please indicate any special needs for your students. A handicap-accessible entrance is located on the east (rear) side of the building on the ground (1st) floor with elevators to the second floor (Museum level). A wheelchair is available by request.

Food/Lunch
The Museum does not have a space for eating. Visitors may use the partially covered tables behind the 1916 Courthouse, if available.

Attire
Proper school attire is recommended.

Museum Manners
The Museum contains many rare or one-of-a-kind objects from the HSPBC archives or on loan from others. For the safety of these artifacts and our visitors, these rules must be followed:

NO EATING, DRINKING, RUNNING, OR RECKLESS BEHAVIOR is permitted. Violators WILL BE ESCORTED OUT OF THE BUILDING.

To help your tour run smoothly:

• Arrive ten minutes before your tour time.
• Do not bring more than the agreed-on number of students.
• Provide at least one chaperone per ten students.
• Provide nametags for students.
• Keep voices low and be courteous to others.
• Watch where you walk in the galleries and on the stairs.
• Be sure chaperones understand these rules and their duties before arrival:
  o Do not bring children other than those in the class.
  o Stay with and supervise the group and maintain order at all times.
  o Assist teachers and docents with providing a positive experience for students.
# The Barefoot Mailman

**GRADE LEVEL:** FOURTH GRADE  
**RICHARD AND PAT JOHNSON**  
**PALM BEACH COUNTY HISTORY MUSEUM**

**UNIT LESSON:** Southeast Florida and Palm Beach County during the Pioneer Era

**ESSENTIAL QUESTION:**
- Who were the Barefoot Mailman?
- What was their contribution to Palm Beach County and southeast Florida?

**ART STANDARD (S):**  
**C-Palms**  
**VA.4.C.2.3** – Develop and support ideas from various resources to create unique artwork.  
**VA.4.C.3.2** – Compare purposes for the structural elements of art and organizational principles of design in artworks and utilitarian objects.

**FLORIDA STANDARD (S) & NGSSS:**  
**C-Palms**  
**SS.4.A.1.2** – Synthesize information related to Florida history through print and electronic media.  
**SS.4.A.4.2** – Describe pioneer life in Florida.  
**SS.4.G.1.1** – Identify physical features of Florida.  
**SS.4.G.1.2** – Locate and label cultural features on a Florida map.  
**SS.4.FL.1.3** – Workers are paid for their labor in different ways such as wages, salaries, or commissions. Explain the ways in which workers are paid.  
**SS.4.FL.6.2** – Explain that risk from accidents and unexpected events are an unavoidable part of daily life.

**LAFS.4.RI.1.1** – Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.  
**LAFS.4.RI.2.4** – Determine the meaning of general academic and domain-specific words or phrases in a text relevant to a grade 4 topic or subject area  
**LAFS.4.W.1.1** – Write opinion pieces on topics or texts, supporting a point of view with reasons and information.  
  a Introduce a topic or text clearly, state an opinion, and create an organizational structure in which related ideas are grouped to support the writer’s purpose.  
  b Provide reasons that are supported by facts and details.  
  c Link opinion and reasons using words and phrases (e.g., for instance, in order to, in addition).  
  
  Provide a concluding statement or section related to the opinion presented.  
**LAFS.4.W.2.4** – Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and
audience. (Grade-specific expectations for writing types are defined in standards 1–3 above.)

**LAFS.4.W.4.10** – Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

**LAFS.4.L.3.4** – Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 4 reading and content, choosing flexibly from a range of strategies.

a Use context (e.g., definitions, examples, or restatements in text) as a clue to the meaning of a word or phrase.

b Use common, grade-appropriate Greek and Latin affixes and roots as clues to the meaning of a word (e.g., telegraph, photograph, autograph).

Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation and determine or clarify the precise meaning of key words and phrases.

**ART CONTENT LEARNING GOAL:**
To develop the technical skills and ability to organize visual elements necessary to communicate what life was like as a barefoot mailman.

**CORE CONTENT LEARNING GOAL:**
To understand that sending and receiving mail was very difficult during the Pioneer Era of Palm Beach County.

**I CAN:**

Explain who the barefoot mailmen were and their importance to the history of Palm Beach County and Florida.

Value the important role the barefoot mailmen had in Palm Beach County and Florida.

Design a mailbag with unique characteristics supported by ideas from various sources.

**VOCABULARY:**

Automated, communication, desolate, wilderness, unique, utilitarian

**TECHNOLOGY & MATERIALS:**

**TEACHER:**
- Student Handout 1: Postal Service and the Barefoot Mailman
- Student Handout 2: Livin’ on the Lake
- Student Worksheet: “Answer/Research/Write”
- Map Route of Barefoot Mailman
- Examples of Mail Bags
- Computer
- Map of Florida and the Caribbean

**STUDENTS:**
- Pen/pencil
- Crayons and construction paper (Legal size preferred)
- Copy of Student Handout 1: Postal Service and the Barefoot Mailman
• Copy of Student Handout 2: Livin’ on the Lake
• Copy of Student Worksheet: “Answer/Research/Write”
• Copy of Map—Route of Barefoot Mailman
• Copy of a map of Florida and the Caribbean
• Access to a computer for enrichment (if needed)
  o www.boyntonbeach.com/history/mailman
  o www.youtube.com/watch?v=8aQQgTHl5-4
  o www.pbchistoryonline.org
  o www.pbchistoryonline.org/page/houses-of-refuge
  o www.lwpa.org/barefoot_mail_route.html
  o http://ponyexpress.org/history/

LESSON:
• Students may sit at their desks in small groups.
• Start by asking how their family sends and receives mail. This can include the modern and instantaneous email and text messages.
• Ask if any of the students has written letters or cards.
• Say: “We are going to learn about a unique mail delivery system established in southeast Florida in 1885.”
• Explain how, in the late 19th century, the area we now call Palm Beach County was a wilderness and few people lived here. The early pioneers depended on passing ships to carry their mail. They wanted a more dependable mail route. To send and receive mail, the U.S. Postal Service established a mail route from the Lake Worth area (Palm Beach) to Miami and back.
• Ask: “Do you know what the mail carriers became known as?”
• Explain how there were no roads or railroads, and the area was so desolate that these mail carriers had to walk to Miami and back.
• Ask: “Where do you think they walked?”
  (Answer: along the beach at the water’s edge)
• Ask: “How many days did it take to walk to Miami?”
  (Use a map showing southeast Florida)
• We are now going to find out more about the Barefoot Mailman.
  o Distribute copies of Student Handout 1: Postal Service and the Barefoot Mailman.
    ▪ Divide students into groups and have them read the handouts as you read aloud with everyone following along.
    ▪ Working together using the handout, answer the questions
    ▪ Once the questions have been answered have each student share their answers
  o Distribute copies of Map Route of Barefoot Mailman, as well as a present-day map that includes Florida and the Caribbean
    ▪ Have students split into pairs (or work independently) to complete the “Research” section of the worksheet
    ▪ When completed, have students share their findings with the class
  o Distribute copies of Student Handout 2: Livin’ on the Lake for students to read.
    ▪ Using knowledge gained from this handout, have students write about their own experience as a Barefoot Mailman
    ▪ Have members of each group share their stories
  o Pass out art material for mailbags
    ▪ Show images of different designs of mail carrier bags
    ▪ Look at satchels, backpacks, and large modern mailbags
    ▪ Discuss the use of utilitarian objects.
- Have students choose paper and coloring utensils and design their own mailbags.
  - Ask: “What do you think a barefoot mailman would have to carry in his bag?”
  - Explain how there were no stores along the route to get food or drink.
  - Ask: “If the barefoot mailman was thirsty or hungry what would he have to do?”
    (Answer: Find fresh water, drink from a canteen he carried, hunt for food, wait until he arrived at his destination)

**ASSESSMENT:**
Assessment will be based on:
Observations by the teacher as students share their stories in classroom performance
Handouts and art work as material for portfolio assessment
Grading student handouts

**ESOL STRATEGIES:**
- Provide students with native language dictionaries
- One-on-one instruction
- Illustrations provided as handouts
- Peer and Cooperative learning styles
- Read aloud
Student Handout 1: Postal Service and the Barefoot Mailman

When the early pioneers left their homes in the North, they continued to communicate with their families and friends whom they had left behind. Yet it was not easy to send a letter back home. They could not just e-mail or drop a letter at a post office. At first, settlers depended on the honesty of passing ship crews to take and deliver their mail. They also asked beach walkers to carry and deliver mail along the Florida coast. However, this method was not dependable.

Sending a letter from Lake Worth to Miami took several weeks. First, it had to travel to Jacksonville. Then the letter was shipped to Havana, Cuba, or Key West and finally, it was sent to Miami. Can you see why it took several weeks? To solve this problem, the U.S. Postal Service set up a special route that required men to walk from Palm Beach to Miami and back. These mailmen later became known as “barefoot mailmen” because they walked barefoot along the beach, carrying their shoes over their shoulders.

These adventurous mail carriers traveled a route that was 136 miles round trip and took three days each way. It was fifty-six miles by boat and eighty miles on foot. The mailmen walked an average of 7,000 miles a year. Most of the time, the mailman departed Lake Worth on Monday. He arrived in Miami on Wednesday. The following day, he began his trip back north and arrived on Saturday. During his journey, the mail carrier spent the nights at Houses of Refuge in today’s Delray Beach and Fort Lauderdale. In Miami, he spent the night at a hotel. In some places, the mailmen had to cross water. On Lake Worth, at Hillsboro Inlet, New River, and Biscayne Bay, the mail carriers used a boat to travel over the water. The first barefoot mailman was Edwin Ruthven Bradley. He received a salary of $600 a year to make his weekly trips.

There are many tales about the barefoot mailmen. One story reported that they would often charge a small amount of money to take passengers with them. One passenger was upset over the long, hot walk because there was limited fresh water and poor food. For revenge, he first sent some coconuts through the mail. Then he sent a package of rocks. When he attempted to mail a small tree, the mailman finally complained to Washington, D.C. That resulted in a weight limit being placed on all deliveries.

One of the mailmen, Ed Hamilton, lost his life while trying to complete his route. When Hamilton arrived at the Hillsboro Inlet heading to Miami, he found someone had moved the mail boat to the south side of Hillsboro Inlet. Seeing no other way to cross, he left his mailbag and clothes in a tree so he could swim for the boat. After Hamilton entered the water, something happened and he disappeared. Later, a search party found his mailbag and clothes, but Hamilton was never found. No one knows whether Hamilton had simply drowned or if sharks or alligators in the inlet attacked him.

From 1885 to 1893, at least twenty brave men walked the beaches to deliver the mail. In January 1893, when a road opened between Lantana and Miami, the barefoot mailmen were no longer needed because the mail went by stage line.

By today’s standards, the barefoot-mailman system in Lake Worth was primitive and dangerous. But it worked for the pioneers. The postal service has improved since the 1880s. Automated services help mail carriers send mail all over the world. Mail carriers now travel in automobiles and even in airplanes. The barefoot mailmen would be amazed at how efficiently mail is delivered in the twenty-first century.
More than just a wide spot in the Atlantic Intracoastal Waterway, Lake Worth existed as a fresh water lake for thousands of years before it became home to many of Palm Beach County’s earliest pioneers. The lake had no natural flow to the ocean, and only occasionally did an opening breach the beach ridge, giving hint to what lays west of the barrier island.

In 1860 the Jupiter Inlet Lighthouse was completed and placed into operation. The keepers of the lighthouse were the only people living in the area except for Seminole Indians. At the beginning of the U.S. Civil War, an assistant lighthouse keeper, German-born Augustus O. Lang, and a few other Confederate sympathizers dismantled and hid part of the lighting mechanism, darkening the lighthouse to aid Confederate blockade runners. Lang then enlisted in the Confederate Army, but later deserted and fled to the shores of Lake Worth becoming the first known Anglo-American resident on the lake. He cleared land, built a home from wood poles and palmetto fronds, and planted a garden that included fruit trees. So remote was the lake’s locale that it was more than a year after the war’s end when Lang learned of its outcome from some travelers. By word of mouth, more people soon made their way to the lake.

Between 1873 and 1893, many settlers came to the Lake Worth area to establish new homes. They had the opportunity to own land and to escape the harsh, cold winters up north. For some, their doctors had recommended they move to warmer climate, because of illnesses. Many may have lived long lives because of the warm weather. Others came here to build a better life for their families. This is not to say that it was an easy venture, though, for they had to overcome a variety of hardships.

When they arrived, all they found was a jungle, with no paths or roads; their only means of transport was boat. The settlers cut a path from Lake Worth to the Atlantic Ocean to access the beach so that they could scavenge the numerous shipwrecks littering the coast. However, the settlers lived on the lake side of the island rather than on the ocean side because of storms. They survived on what they found on the beaches and from what they could grow or hunt.

The settlers often used what they could find from shipwrecks in constructing their homes. Sometimes, barrels of foodstuffs were found to add to the pioneers’ food supplies. Other materials were taken north to Titusville and sold or traded for cash or other necessities.

The typical house of most settlers was made from items gathered along the beach and palmetto thatching. These materials were used because they were the handiest. Sometimes lumber was shipped from Jacksonville, and some pioneer houses were built out of salvaged ship timbers and canvas sails.

Early settlers found the area full of wild animals, such as bears, deer, raccoons, and opossums. They depended on these animals for food. Birds, fish, alligators, turtles, and turtle eggs added variety to their diet. Most of the settlers were farmers and grew various crops to eat or sell, like onions, eggplant, tomatoes, cabbages, green peppers, and turnips. Some made regular trips by boat to the market in Titusville to sell the vegetables grown in the Lake Worth area. By selling their crops, the pioneers were able to earn money to buy items they could not produce themselves.

Those “livin’ on the lake” during the 1870s and 1880s were on the American frontier. An inlet from the lake to the ocean was dug by pioneers, barefoot mailmen carried the mail along the beach to Miami and back, little sharpies (a type of flat-bottomed boat) crossed the lake, and a train line nicknamed the “Celestial Railroad” linked the seven-and-a-half-mile land area between the head of Lake Worth and the Jupiter Inlet. The pioneer era came to an end in 1893, when Henry Flagler arrived on Lake Worth to build a resort hotel and to extend his Florida East Coast Railroad.
Student Worksheet: Answer/Research/Write

Answer
Mail took a long time to arrive at pioneer settlements along Lake Worth during the 1870s-1890s. The settlers had to depend on passing ships to carry and deliver their mail. In 1885 a unique system of mail delivery was established in southeast Florida. The hearty group of mail carriers, later called Barefoot Mailmen, carried the mail from Lake Worth to Miami by walking along the beach and crossing inlets by boat. The mailman would usually leave on Monday and arrive at Miami on Wednesday. On Thursday they began the three-day return journey. The round trip was 136 miles – 80 by foot and 56 by boat.

1. Figure out how many miles the mail carrier walked each-way.

2. How many miles did the mail carrier travel by boat each-way?

3. What is the one-way total?

4. If the barefoot mailmen traveled 136 miles round-trip per week, about how many miles did they travel in a year?

5. Convert the round-trip mileage to kilometers. (1 mile = 1.609 kilometers)

Research
Using a present-day map or atlas (that includes Florida and the Caribbean) and the Barefoot Mailman route map provided, begin at Lake Worth and trace, going in any direction, the distance that the average mailman traveled each year. Make a list of some of the places, countries, and continents encountered along the route that you trace.

Write (on a separate sheet of paper)
Imagine that you are a pioneer living in present-day Palm Beach County when transportation was only by boat or foot. You have decided to be a barefoot mailman. Write one page about your journey carrying the mail from Lake Worth to Miami.
Map of Florida and the Caribbean
EXAMPLES OF MAILBAGS
Route of the Barefoot Mailman

Barefoot Mailmen departed on Mondays for Miami. They began their return trip on Thursdays.

Not to scale
# And Justice for All

**GRADE LEVEL:** SEVENTH GRADE  
**RICHARD AND PAT JOHNSON**  
**PALM BEACH COUNTY HISTORY MUSEUM**

**UNIT LESSON:** Preparing for a Mock Trial

**ESSENTIAL QUESTION(S):**
- What are the main components of a court proceeding?
- How does a first and final impression make a strong case?

**ART STANDARD(S):**  
(C-Palms)

- **TH.68.C.1.1** – Devise an original work based on a community issue that explores various solutions to a problem.
- **TH.68.C.1.5** – Describe how a theatrical activity can entertain or instruct an audience.

**FLORIDA STANDARD(S) & NGSSS:**  
(C-Palms)

- **SS.7.C.1.9** – Define the rule of law and recognize its influence on the development of the American legal, political, and government systems.
- **SS.7.C.2.2** – Evaluate the obligations citizens have to obey laws, pay taxes, defend the nation, and serve on juries.
- **SS.7.C.2.3** – Experience the responsibilities of citizens at the local, state, or federal levels.
- **SS.7.C.2.4** – Evaluate rights contained in the Bill of Rights and other amendments to the Constitution.
- **SS.7.C.2.5** – Distinguish how the Constitution safeguards and limits individual rights.
- **SS.7.C.2.6** – Simulate the trial process and the role of juries in the administration of justice.
- **SS.7.3.10** – Identify sources and types (civil, criminal, constitutional, military) of law.
- **LAFS.68.RH.2.4** – Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.
- **LAFS.68.RH.3.8** – Distinguish among fact, opinion, and reasoned judgement in a text.
- **LAFS.68.RH.2.6** – Identify aspects of a text that reveal an author’s point of view or purpose (e.g., loaded language, inclusion or avoidance of particular facts).
- **LAFS.68.RTS.3.9** – Compare and contrast the information gained from experiments, simulations, video, or multimedia sources with that gained from reading a text on the same topic.
- **LAFS.68.WHST.1.1** – Write arguments focused on discipline-specific content.
  a. Introduce claim(s) about a topic or issue, acknowledge and distinguish the claim(s) from alternate or opposing claims, and organize the reasons and evidence logically.
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<thead>
<tr>
<th>ART CONTENT LEARNING GOAL:</th>
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<td>Practice communication and critical thinking skills as they present their case.</td>
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<th>CORE CONTENT LEARNING GOAL:</th>
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<td>To understand the role of a trial court in solving disputes and appreciate the importance of various people in the courtroom.</td>
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**I CAN:**
- Interpret key terms associated with the United States court system.
- Construct an opening and closing statement for a court proceeding.

**VOCABULARY:**
- Court, Strategy, Rhetoric, Evidence, Judge, Civil Case, Acquittal, Judgement, Verdict, Lawyer, Jury
### TECHNOLOGY & MATERIALS:
- Computer with Internet access
  - [https://www.youtube.com/watch?v=wO2WGJK5vPU](https://www.youtube.com/watch?v=wO2WGJK5vPU)
  - [https://www.youtube.com/watch?v=kf0ABRnvXg0](https://www.youtube.com/watch?v=kf0ABRnvXg0)
- Copies of Handout: Trial Procedures
- Copies of Handout 1: Opening Statement
- Copies of Handout 2: Closing Statement
- Copies of Handout 3: Writing an Opening and Closing Statement
- Paper and Pencils

### LESSON:
- Divide students into pairs and tell them that they will be competing in a timed challenge on “How well do you know the Courts?” Students will write down as many words as they can that are associated with courts and trials.
  - Set a timer for 2 minutes.
  - Ask: What branch of government are courts a part of? Who are the key players in a courtroom? What are the stages of a trial?
  - When time is up, have all pairs share and compare lists, if any terms are missing, review.
- Ask: How do you know these terms? Television shows, movies, books, news coverage? Who is the most important person in the courtroom?
- Ask: What is a fact?
  - List all responses and discuss. Develop an acceptable definition.
- Ask: What is an opinion?
  - List all responses and discuss. Develop an acceptable definition.
- **Handout: Trial Procedures**
  - Review the procedures for a court case.
  - Explain how each step of a trial is to allow for fair and equal chances for each side to present its case.
  - Tell the students that they will be working on writing Opening and Closing statements in order to persuade a jury/judge (You, the teacher).
- Give students **Handout 1: Opening Statement**. Review the definition and example of an Opening Statement and have them answer the questions.
  - Using the laptop, play the example of an Opening Statement: [https://www.youtube.com/watch?v=wO2WGJK5vPU](https://www.youtube.com/watch?v=wO2WGJK5vPU)
- Explain how Opening Statements set the stage for a trial.
- Give students **Handout 2: Closing Statement**. Review the definition and example of a Closing Statement and have them answer the questions.
  - Using the laptop, play the example of a Closing Statement: [https://www.youtube.com/watch?v=kf0ABRnvXg0](https://www.youtube.com/watch?v=kf0ABRnvXg0)
- Ask: “What does it mean to argue a point?” Discuss the definition of argue. Explain that the Closing Statement is the final chance for attorneys to “argue” their points.
- Give students **Handout 3: Writing an Opening and Closing Statement**
  - Split the class in half with one group as the Prosecution, and the other as the Defense.
  - Work through the worksheet and deliberate at the end to come up with a conclusion of guilty or not guilty.
**ASSESSMENT:**
Assessment will be based on:
- Observation of student performances of Opening and Closing Statements
- Handouts as material for portfolio assessment
- Grading student handouts
HANDOUT 1: OPENING STATEMENT

STUDENT NAME:__________________________________________
CLASS PERIOD: ___________________________________________

Term:

Opening statement:
The opening statement is the time during which the attorney may speak to the jury and describe the case. The opening statement is not an argument, however; in fact, legal arguments are prohibited during the opening statement. It is during the opening statement that attorneys tell the story of the case and what they hope to prove using the evidence that will be presented.

The opening statement is the opportunity for the attorney to tell the jury what the cause of action is about, what evidence the jury will hear, and the attorney’s client’s side of the story. In an ideal opening statement, the attorney will paint a picture of the case for the jury so that when the jury hears the evidence, it can place the various pieces of evidence in the relevant parts of the story.

EXAMPLE OF AN OPENING STATEMENT:

Good afternoon, ladies and gentlemen. My name is Larry Lawyer, and I am representing the plaintiff, Jessica Smith. We are here today to decide if the defendant, John Smythe, is liable for damages caused to Ms. Smith’s vehicle as a result of a car accident that took place on June 15, 2003. On that day, Ms. Smith was driving her car down Main Street when the defendant smashed his car into Ms. Smith’s car. We will provide police reports that show that Mr. Smythe was driving without a valid driver’s license, and that he was intoxicated at the time of the accident. In addition, we will provide the compelling eyewitness testimony of Ms. Sarah Crown, who saw the defendant’s car run through a red light and strike Ms. Smith’s car. Ladies and gentlemen of the jury, Ms. Smith is a hardworking, honest, and law-abiding citizen. At the conclusion of this trial, it is my hope that in the interests of justice you will find that the defendant is responsible for causing Ms. Smith’s injuries and find in her favor. Thank you very much.

Most opening statements take between 10 and 45 minutes, although, depending on the complexity of the case, some may take longer. Some jurisdictions have developed rules for how long opening statements, as well as closing statements, may be. Other jurisdictions leave such time limitations to the judge’s discretion.

Opening statements are important, because studies have shown that trials are sometimes won and lost just through the opening statement. Studies have revealed that often, jurors make up their minds based on the opening statements. They may consider the evidence, but the impressions the jurors form during the opening statements often greatly affect their final decision.

Answer the following questions:

1) What is an opening statement?
2) How long should an opening statement be?
3) Who gives an opening statement?
HANDOUT 2: CLOSING STATEMENTS

STUDENT NAME: _________________________________

CLASS PERIOD: ________________________________

Term:

Closing Statement:
The closing statement (also called the "closing argument") is the time when the attorneys may forcefully argue their sides of the case to the jury. The closing statement occurs after the close of presenting evidence. Rather than tell a story, the closing argument is just that – an argument. The closing argument is the party’s final attempt to persuade the jury that the opposing party is liable or that the party itself is not liable.

Some attorneys choose to use the exhibits admitted into evidence to support their closing arguments. Some will point to charts as they argue, others will read testimony from the record to reinforce certain portions of their arguments. These tools are often useful during closing arguments, as they give the jury visuals on which to focus and can help the jurors form a complete picture of the arguments in their minds.

EXAMPLE OF A CLOSING ARGUMENT:

Your Honor, we have shown that Gold E. Locks is basically a good little girl. She has said that she meant no harm by going into the house, and the door was open. The porridge was so good that she could not resist it. She didn’t mean to break Babe E. Bear’s chair, and in fact, there is no real evidence that she broke the chair. I think the chair was broken when she sat in it. She certainly is not big enough to have broken the chair. She is sorry she fell asleep in the bed, but she was merely waiting for the Bears to come home so she could thank them and ask them how they make the yummy porridge. She certainly did not display any bad manners; in fact, she showed good manners by waiting to thank the Bears.

Each closing argument usually lasts 20-60 minutes. Some jurisdictions limit how long the closing may be, and some jurisdictions allow some of that time to be reserved for later. The plaintiff, having the burden of proof, usually has the right to give her closing argument first, followed by the defendant’s closing argument. In many jurisdictions, the plaintiff may use all the allotted time, or the plaintiff may reserve time (e.g., ten minutes) to use after the defendant’s closing argument. The reserved time may be viewed as a rebuttal and gives the plaintiff (the party with the burden of proof) the last word.

Answer the following questions:

1) What is a closing statement?

2) How long should a closing statement be?

3) What is included in a closing statement?
需要用的角色扮演和写作技巧

Getting Started:

- Review courtroom procedure with the class. List the order in which a case is seen in a courtroom.
- Discuss the roles of those who participate in a courtroom.
- Have students separate into two groups, the Prosecution (plaintiff) and the Defense (defendant).
- Review the facts of the case together, distinguish between facts and opinions, and list each under a separate heading on the board.
- Have students from each group write opening and closing statements using the facts of the case.
- Using role-playing techniques, have students perform their opening and closing statements to the class.
- Either as a class or in small groups, discuss what verdict you would decide and why. After the class discusses how it would decide the case, the teacher will act as judge and decide the case based on the two groups’ statements.

Mock Trial: James Phillips v. the Radio Shop (by Dale Greenawald. This strategy first appeared in the ABA magazine Update on Law-Related Education.)

Facts: In this case James Phillips purchased an inexpensive radio from the Radio Shop and later attempted to exchange it because it did not work. The date of the sale was November 14; the return was made ten days later. The sales slip has the following language typed at the bottom: “This product is fully guaranteed for five days from the date of the purchase. If defective, return it in the original box for credit toward another purchase.”

The store refused to make the exchange, and James brought this action in small claims court. Evidence: James has (1) the sales slip for twenty-five dollars paid to the Radio Shop and (2) the broken radio. He claims to have thrown away the box that the radio originally came in.

Witnesses:

For the plaintiff: 1. James Phillips, 2. Ruby Phillips (James’ sister)

For the defendant: 1. Al Jackson (salesman), 2. Hattie Babcock (store manager)
Witness Statements:

James Phillips: I went into the Radio Shop to buy a transistor radio. I looked at a few different radios, but the salesman talked me into buying the Super Electro Model X-15. I paid him the twenty-five-dollar price and he gave me the radio in a cardboard box.

When I got home to listen to the radio, I found that it didn't work. I went back to the store to get my money back, but the salesman wouldn't return it. He said I should have brought it back right away. I explained to him that my mother had been sick and I'd been busy. Here's the broken radio and the receipt as proof. I want my money back!

Ruby Phillips: All I know is that when James got home the other day, he was all excited and wanted to show me something. He called me into the kitchen to show me his new radio. I said, "Let's hear how it works." He turned it on and nothing came out but static. He moved the dials around but couldn't get it to play. Was he ever mad! I told him that he ought to take it back to the store and demand his money back.

Al Jackson: I sold the kid the radio, but as far as I know it worked OK. All the table models worked well enough, so why shouldn't the one boxed and straight from the factory? I'll bet what really happened is that he dropped the radio on his way home. Or maybe he broke it during the ten days he had it. That's not my fault, is it?

Hattie Babcock: As Jackson said, all the other X-15's have worked fine. We've never had a single complaint about them. We have a store policy not to make refunds unless the merchandise is returned within five days in the box we sold it in. Also, the guarantee on the radio says that the radio must be returned in the original box. That's the reason Jackson didn't give the kid his money back. Otherwise, we'd have been more than happy to give him credit toward a new purchase. After all, pleasing our customers is very important to us. Personally, I agree with Jackson. The kid probably didn't bring back the box because it was all messed up after he dropped it.
OPENING STATEMENT WRITING EXERCISE HANDOUT

Opening statements outline the facts that the attorneys expect to prove during the trial. An opening statement should present the jury with an orderly and easy-to-understand version of the case from the attorney's perspective. In criminal trials, the prosecuting attorney goes first. Usually the defense gives its opening statement immediately afterwards.

You will be an attorney on a team for either the prosecution or the defense. You will meet with your team and list the most important facts from your assigned point of view. Once you have done that, write a short opening statement.

WRITING AN OPENING STATEMENT

(1) To prepare an opening statement, attorneys must organize and outline the entire case they intend to prove at trial. A good opening statement:

- Explains what the attorney plans to prove and how they will do it.
- Presents the events of the case in a clear, orderly sequence.
- Suggests a motive or emphasizes a lack of motive for the crime.
- Is not argumentative. Tell your story in 1-2 sentences without arguing what the case is about
- Summarizes your story. Be creative: Use adjectives as in "It was a dark and stormy night" to give jury a picture of what is going on in your case.
- 1 to 3 pieces of evidence that they are going to see or hear. (Defense)
- Shows what you are going to prove. (Prosecution)
- Repeats your theme.

(2) Attorneys usually begin their statement with a formal introduction, for example:

"Your honor, ladies and gentlemen of the jury, and opposing counsel, my name is [full name], representing [the state or the defendant] in this action." The attorneys then turn to the jury and begin their statements. Opening statements often include such phrases as:

- The evidence will show that...
- The facts will prove that…
- Witness [name] will be called to testify that…
I. INTRODUCTION
   a. Attention grabber – (use a ‘catch phrase’)
   b. Introduce yourself

II. STORY
   a. Theory – In chronological order
      1. What happened first…
      2. What happened next …
      3. Finish story/theory
   b. Tell what the evidence will show
      1. The evidence/facts will show that…

III. ROADMAP - TELL THE JURY WHAT THEY ARE GOING TO HEAR AND SEE.
   a. First you will hear the Prosecution ...
b. *Then you will meet and hear the Defense ...*

c. *Finally, you will listen to Closing Arguments...*
   1. Tell the jury what conclusion you want them to have after hearing all the evidence
The closing statement (also called the "closing argument") is the time when the attorneys may forcefully argue their sides of the case to the jury. The closing statement occurs after the close of presenting evidence. Rather than tell a story, the closing argument is just that – an argument. The closing argument is the party’s final attempt to persuade the jury that the opposing party is liable or that the party itself is not liable.

1. Each student should:
   - Choose to represent either the prosecution or defense.
   - Review the witness statements and consider the main points brought out in witnesses' testimony in the previous activity.
   - Develop a three-minute closing argument (250 to 750 words). Be sure to follow the "Guidelines for an Effective Closing Statement."

Guidelines for an Effective Closing Argument An effective closing statement should:

1. Be emotionally charged and strongly appealing
2. Only refer to evidence that was admitted during the trial.
3. Emphasize the facts that support the claims of your side.
4. Note weaknesses or inconsistencies in the opposing side's case.
5. Summarize the favorable testimony.
6. Attempt to clear up inconsistencies that might hurt your side.
7. Be well organized (starting and ending with your strongest point helps to structure the presentation and give you a good introduction and conclusion).
8. Focus on reasonable doubt. The prosecution should emphasize that the state has proved the elements of the crime beyond a reasonable doubt. The defense should raise questions suggesting that reasonable doubt exists.

Proper phrasing includes:
   - "The evidence has clearly shown that..."
   - "Based on this testimony; there can be no doubt that..."
   - "The prosecution has failed to prove that..."
   - "The defense would have you believe that…"

9. Conclude with an appeal to convict or acquit the defendant
I. INTRODUCTION
   a. Attention grabber – (Catch phrase)

II. SUMMARIES STORY
   a. As you have heard...

III. TELL WHAT THE EVIDENCE HAS SHOWN
   a. Emphasize facts that support the claims of your side
   b. Note weaknesses or inconsistencies in the opposing side’s case
   c. The evidence/facts has clearly shown...

IV. SUMMARIZE FAVORABLE TESTIMONY
   a. Attempt to clear up inconsistencies that might hurt your side

V. CONCLUDE
   a. Persuade the jury with a strong ending
HANDOUT: TRIAL PROCEDURES

Strict rules ensure that each side in a trial will have an equal chance to present its case. A judge must make sure that each side follows these rules closely. The major procedures observed in a criminal court trial are outlined below.

1. Jury Selection

In all criminal jury trials, the first step is impanel, or select, a jury. Prosecution and defense attorneys pose questions to prospective jurors. The judge may also take an active role in the process.

2. Opening Statements

After calling the court to order, the judge will ask for the trial to begin with opening statements from the prosecution and defense. The opening statements outline the evidence each side intends to present during the trial. The prosecution delivers its opening statement first. The defense attorney usually follows immediately with a statement, but may delay it until after the prosecution presents all its evidence.

3. Presenting Evidence

The prosecution presents its side of the case first. This is called the prosecution's case-in-chief. It usually consists of introducing material objects called exhibits (e.g., a gun), as well as questioning prosecution witnesses. After the prosecution has finished presenting its side, the defense may introduce its exhibits and witnesses. Both exhibits and witnesses’ testimony are trial evidence. Strict rules of evidence must be followed, however, before either is allowed into the trial. Attorneys conduct direct examination when they question their own witnesses. After direct examination, opposing attorneys cross-examine the witnesses. Lawyers conduct cross-examination to test and find weaknesses in the testimony of their opponents’ witnesses. They may also try to put doubts into the minds of the jurors about the believability of these witnesses.

4. Closing Arguments

After each side has presented all its evidence, each side makes a closing statement to the jury. In these closing arguments, attorneys summarize what has been established or not established during the trial. The closing argument presents attorneys with their last chance to persuade the jury. The defense delivers the first closing argument to the jury. The closing argument of the prosecution ends the evidence phase of the trial.

5. Instructions to the Jurors

Following the closing arguments, the judge gives instructions to the jury. These instructions state the law that applies to the case. The judge reminds the jurors to base their verdict solely on the evidence admitted during the trial. Since the prosecution has the burden of proof, the judge instructs the jurors to find a verdict of guilty only if the state has proved its case beyond a reasonable doubt.

6. Jury Deliberations

After hearing the judge's instructions, the jury leaves the courtroom and meets in a jury room to decide on a verdict. Jury members first select a foreperson who will lead their discussions. The jury then reviews the evidence and votes on a verdict. Although the U.S. Supreme Court has ruled that unanimous verdicts of guilty or not guilty are not mandatory in all criminal cases, almost every state still requires them.
Several votes may be necessary before the jurors arrive at a unanimous verdict. If after a reasonable time, the jurors cannot reach a unanimous verdict, they become a hung jury." The foreperson will report this fact to the judge. If the judge believes that further jury deliberations are futile, the judge will declare a mistrial. The prosecutor will then have to either request another trial with a new jury or drop the charges against the defendant. If the jury returns a unanimous verdict of not guilty; the defendant goes free. When the jury unanimously finds the defendant guilty the judge will set a date for a sentencing hearing.