

THE RULE OF LAW

Lesson Plan Summary



OBJECTIVE

Students will be able to identify key elements of the rule of law and the role it plays in our judicial system.

INQUIRY QUESTIONS

- What does it mean for a society to have and follow rules?
- Can rules be biased toward or against a particular group of people?
- What is the “rule of law” and what is its role in the policies and practices of the judiciary?

COLORADO ACADEMIC STANDARDS

SS.HS.4.2.EOe. Describe the role and development of the founding documents of Colorado and the United States from their inception to modern day.

SS.HS.4.2.EOf. Evaluate the role of the judicial system in protecting life, liberty, and property for all persons in the U.S.

ACTIVITIES

Rules Game, Rule of Law video (<https://www.youtube.com/watch?v=bmAKAHDSnGs>), reading, extension activities

MATERIALS

Erasers for game, poster paper, markers, reading handout

GRADE LEVEL

High School

TIME

Two class periods (one for game and video, a second for the reading or extension activities)

KEY TERMS

- **Accountability:** The government and all people are accountable under the law.
- **Just Law:** The law is clear, publicized and stable and is applied evenly. It ensures human rights as well as property, contract, and procedural rights.
- **Open Government:** The processes by which the law is adopted, administered, adjudicated, and enforced are accessible, fair, and efficient.
- **Accessible and Impartial Justice:** Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are accessible, have adequate resources, and reflect the makeup of the communities they serve.
- **Judicial Independence.** The ability of courts and judges to perform their duties free of influence or control by other actors, whether governmental or private.

Find more legal terms in our Courts in the Community Teaching Materials.

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Background and Class Preparation



LESSON BACKGROUND

Through this lesson, students are introduced to the rule of law, which is the foundation of our democracy. The rule of law can be defined as a system in which everyone knows and understands the law and these laws apply equally to everyone. These laws uphold human rights, what our Declaration of Independence defines as the right to “life, liberty and the pursuit of happiness.” It also means that anyone accused of a crime has the right to a fair, prompt hearing and is presumed innocent until proven guilty. The rule of law is a fundamental principle that guides judges in their decision-making. It requires judges to apply the law fairly and impartially to all, ensuring that decisions are based on legal principles rather than personal opinions or political influences. Judges are expected to be independent, accountable, and transparent in their actions, upholding the law and protecting individual rights.

This is a lesson is part of our Courts in the Community curriculum. Find out more about the program (coloradojudicial.gov/courts-community) and our lessons (coloradojudicial.gov/community-and-educational-resources/lesson-plans).

CLASS PREPARATION

- Determine which class activities to do with your students given class time and student interest.
- Review Tips for Diverse Learners on p. 7 to consider how best to engage your student with the content.
- Write the lesson objective and key terms on the board or screen.
- Review the Rules, Rules, Rules game (americanbar.org/content/dam/aba/administrative/public_education/lesson-plans/middle_school/RulesRulesRules_Activity.pdf), where students are asked to pass an eraser (or other object) without being given clear instructions. Determine how many versions of the game to play. Students will be asked to reflect on when and why rules are important and necessary. This can be connected to the rule of law and the importance of law in our society.
- **If you are using the readings:** Before class, write one question on the top of each poster and post on walls in the classroom. You may need multiple posters with the same question, depending on the number of students in your class. Or, you could have students use a graphic organizer to take notes, with the questions on top.
 - What are key elements of the rule of law?
 - What are some challenges we face today in upholding the rule of law?
 - How does the rule of law protect individual rights (right to a trial, equal protection under the law, etc.)?
 - Do you think the rule of law is applied equally to different groups of people in the United States? Why or why not?

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Lesson Instructions



INTRODUCTION (2 minutes)

Begin by explaining: “Today we are going to discuss the rule of law, the foundation of our democracy. The rule of law can be defined as a system in which everyone knows and understands the law and these laws apply equally to everyone. These laws uphold human rights, such as the right to speak freely without punishment and equality before the law. It also means anyone accused of a crime has the right to a fair, prompt hearing and is presumed innocent until proven guilty. The rule of law guides judges as they make decisions, requiring them to apply the law fairly and impartially to all, ensuring that decisions are based on legal principles rather than personal opinions or political influences. Judges are expected to be independent, accountable, and transparent in their actions, upholding the law and protecting individual rights. The judges you meet at Oral Arguments are guided by these principles.”

WARMUP Rules Game (10-15 minutes)

Explain they will be playing a game **and follow the script in the linked document, only give the instructions listed for each version of the game:** (americanbar.org/content/dam/aba/administrative/public_education/lesson_plans/middle_school/RulesRulesRules_Activity.pdf).

After you play the game, write the rules you create together (or in groups) on the board or on the screen so students continue to think about the connection between rules and laws.

DIGGING IN Option One: (25 minutes) Video

Decide whether you are going to watch the video or do the readings and poster activity.

Ask students to write down key elements of the rule of law as they watch the video: <https://www.youtube.com/watch?v=bmAKAHDSnGs>.

Discussion

Discuss key elements, referring to the terms written on the board or on the screen.

Option Two: (50 minutes)

Reading

Divide students into groups and hand out one attached reading about the rule of law to the group. Students can do a read around, read individually and discuss or whatever works best. You may want to have students use a graphic organizer to take notes on the reading.

Poster Activity

If time, assign a poster to a group and have them consider the question posed on the poster (see questions listed under class preparation.) Have students write their responses on the sheets. Depending on time, you could have students visit other posters and discuss the question on that poster.

Discussion

Have students share comments from the posters and discuss as a class.

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Exit Ticket and Extension Activities



EXIT TICKET

Have students write down what they consider the most important elements of the rule of law. Or they can share with you as they leave.

EXTENSION ACTIVITIES

Consider assigning the readings as homework.

- Assign one of the following as homework. Have students write a short summary, using your assessment rubric.
 - The definition of the rule of law is strongly impacted by a country's social and political structure. Compare the definitions discussed in class with the definition of the rule of law from another country.
 - The most commonly accepted purpose of the rule of law is to limit the arbitrary acts of government. Explain how this influences the judicial branch.
- Have students research times in U.S. history when the rule of law has been under attack or when certain groups of people have not received fair treatment under the law. Explain what, if anything, has been done to address these inequities.

Written Response

Research Project

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Reading #1: Courts and the Rule of Law



by Colorado Supreme Court Justices Melissa Hart and Carlos Samour

In America we have agreed to govern ourselves with written state and federal constitutions and to implement laws made by our elected representatives. When we have disputes that we cannot settle among ourselves, we take them to court. We trust juries and judges to decide our most important concerns and to make those decisions based on laws that are written and available to all.

The judicial system upholds the rule of law in a variety of ways, such as holding trials to determine whether people accused of breaking the law are guilty, interpreting constitutional provisions and statutes, and holding trials in cases involving civil or personal rights. Courts safeguard rights that are enshrined in the U.S. and Colorado constitutions, such as the right to due process, trial by jury, speedy trial, and equal protection under the law.

In the novel *To Kill a Mockingbird*, the author Harper Lee talks about the courts as the great “levelers” of society. Lee means that the courtroom is the one place where all people are treated as equals. Disputes are to be decided on the merits. Differences among the parties in wealth, intelligence and social status should not determine the outcome of a case.

This concept of the courts as society’s great levelers comes directly from the statement in the Declaration of Independence that all of us are created equal. As the motto above the entrance to the United States Supreme Court puts it, a courthouse is a place of “Equal Justice under Law.”

Of course, like any other human institution, the courts do not always live up to these ideals, so we have tried to establish methods to correct errors. Cases can be appealed from trial courts to the appellate courts and erroneous decisions can be reversed or overruled. Laws, including our federal and state constitutions, can be amended. Because court decisions and laws are publicly available, decisionmakers are accountable and conscious of their obligation to apply the law impartially and to explain their reasoning so that the public can see the rule of law in action.

This system has endured for nearly 250 years and remains an effective means of resolving disputes, protecting individual rights, and providing a check on the other branches of government.

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Reading #2: Rule of Law in American Life (American Bar Association)



Everyone contributes to the rule of law.

No country can maintain a rule of law society if its people do not respect the laws. Everyone must make a commitment to respect laws, legal authorities, legal signage and signals, and courts. Imagine if everyone in your community decided that they did not want to be bothered by traffic laws and signals, for example. The streets in your community would quickly become a chaotic and less safe place. Police officers might be overwhelmed trying to help the situation or ignored altogether. The rule of law functions because most of us agree that it is important to follow laws every day. As a result, we teach about law in schools, talk about law, enjoy numerous courtroom dramas, and accept law as a part of American culture. As Danish scholar Helle Porsdam has said, “Americans practically think and breathe in legal terms.”

There is a long tradition of rule of law in the United States.

Even before the United States was a nation, there was talk among colonists that laws should govern a new nation, not individuals, including kings or queens, as they’d seen in Britain and other countries. One colonist, Thomas Paine, produced a booklet in 1776 called *Common Sense*, and it became a bestseller by today’s standards. In it, he detailed how, “in America, law is king.”

The Declaration of Independence was a legal document.

Structured as a legal document known as a bill in equity, the Declaration of Independence includes a statement regarding jurisdiction, the identification of parties, a list of wrongs, an explanation of why other remedies would not suffice, a request for remedy, and even a typical concluding oath. Had Thomas Jefferson not been presenting his claim for independence to the court of world opinion, he might have used the very same document to request that a Virginia court prevent a neighbor’s cow from trampling his client’s vegetable garden.

The Constitution is the foundation for law in the United States.

The Constitution created a framework for American government, establishing three separate branches so that each branch would be independent and balanced among the others. The Legislative Branch—Congress—would make laws openly and transparently. The Executive Branch—the President, Cabinet, and other agencies—would enforce laws, consistently, and never place anyone above the law. The Judicial Branch—federal courts, including the U.S. Supreme Court—would interpret laws and resolve disputes independently and impartially.

Rights are protected under the U.S. Constitution.

The U.S. Constitution identifies certain individual rights, including rights to due process and a lawyer in court. The Constitution also limits the actions of the government, protecting everyone against an established state religion, a state-controlled press, unlawful searches, and cruel and unusual punishments.

TIPS FOR DIVERSE LEARNERS



- Post key terms on the board or on the screen for students to revisit.
- Introduce key vocabulary the day before the lesson and review before teaching the content, either through a handout or a document you create using your school's virtual classroom tool.
- Consider having students make a drawing or sketch about the concepts being taught, which could be posted in the room to add with learning. Prompt students to use these drawings and other visuals to remember vocabulary words or skills that have been taught.
- Combine students with varying learning abilities, interests, language proficiencies, or other skill strengths into groups of two or more for the reading activity to provide peer support throughout a lesson. You may want to alter the makeup of working groups according to the activity at hand, e.g. sometimes heterogeneous grouping is appropriate, where at other times, same-language or more homogenous groups may work best.
- Provide a T-chart or graphic organizer for note taking, or project one as you are teaching the content to help students track on the content.
- Allow students to demonstrate their knowledge through a range of options, such as written responses, presentations, projects or oral assessments.
- Empower students to share their thoughts and experiences about how the concept being taught has impacted Americans throughout history.
- Work with a partner or in a small group.
- Assign roles to students to help them in completing activities.
- Add pictures, photos or other visual aids to help explicitly teach skills.
- Try different discussion techniques, including jigsaw, fishbowl or wrap around.

EDUCATIONAL RESOURCES



COLORADO JUDICIAL DEPARTMENT RESOURCES

Lesson Plans: coloradojudicial.gov/community-and-educational-resources/lesson-plans

Supreme Court or Court of Appeals tours: cjlccolorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center

Visit the Judicial Learning Center: cjlccolorado.gov

JUDICIAL DEPARTMENT INFORMATION

Colorado Supreme Court: coloradojudicial.gov/supreme-court

Colorado Court of Appeals: coloradojudicial.gov/court-appeals

Map of Colorado Judicial Districts: coloradojudicial.gov/colorado-judicial-district-map

Supreme Court Library: cjlccolorado.gov/colorado-supreme-court-library

OTHER EDUCATIONAL RESOURCES

Glossary of Legal Terms: uscourts.gov/glossary

Ben's Guide to the U.S. Government: bensguide.gpo.gov

Bill of Rights Institute: billofrightsinstitute.org

Center for Civic Education: civiced.org

Digital Civics Toolkit: digitalcivicstoolkit.org

iCivics: vision.icivics.org

Colorado Council for the Social Studies: coloradocouncilforthesocialstudies.org

Annenberg Guide to the Constitution: annenbergclassroom.org/constitution

Constitution Annotated: constitution.congress.gov

The Constitutional Sources Project (ConSource): consource.org

Teach Democracy: teachdemocracy.org/curriculum

The Rendell Center for Civics and Civic Education: rendellcenter.org