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thinkLaw Curriculum

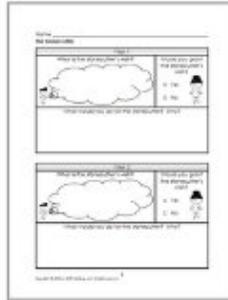
Comprehensive Teacher Guides



Less than 20 Minutes Prep Time!

Includes Over 500 Probing Discussion Questions!

Student Work Pages



To Accompany Each Lesson!

PowerPoint Presentations

Each Lesson has a pre made PowerPoint and/or Google Slide Presentation



Additional Lessons



thinkLaw Users Have Access to a Library of Additional thinkLaw Lessons



Assessments

Assessments Designed to Measure Critical Thinking Skills and Dispositions



Extension Activities

Additional Extension Activities to Review Math, Writing, and Science Skills Using Social Justice as a Motivator!



Project-Based Learning Experiences



Allow Students Real-World Opportunities for Active Citizenship

Comprehensive Teacher Onboarding



Training Video Calls to Explain the thinkLaw Approach and Materials

All thinkLaw Materials are Standards Aligned!



THINK LAW

VOLUME 1
EARLY EDUCATION EDITION
TEACHER EDITION
Sample Download

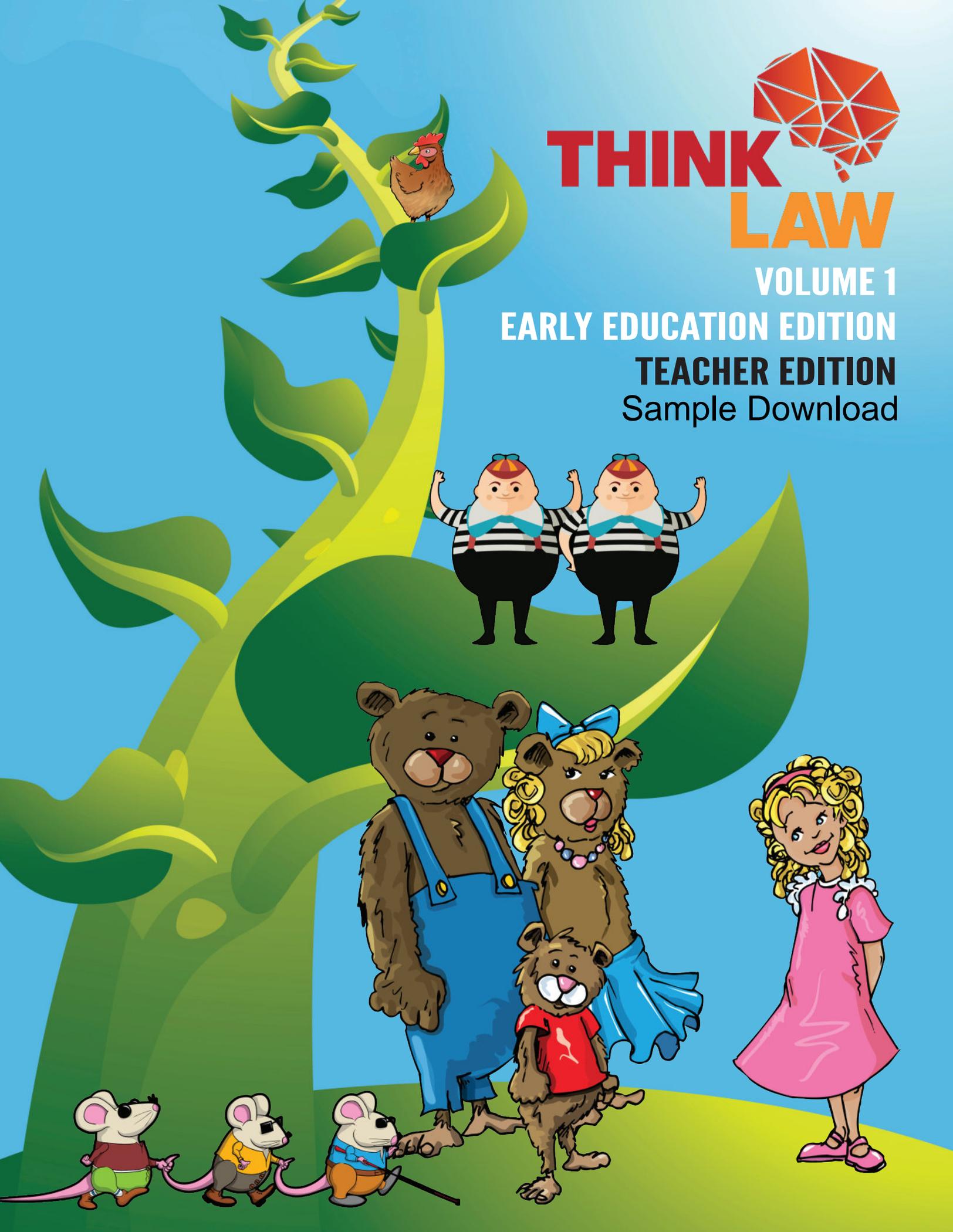




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Peter Peter Pumpkin Eater: Introduction

Objective: Thinkers will deduce the species of Peter the Pumpkin eater, determine his wife's feelings about being kept in a pumpkin, and justify their choices with reasoned evidence.

Lesson Outline

1. During the thinkStarter thinkers will be introduced to the idea that thinking hard is exercise for their brains.
2. After reading the nursery rhyme, "Peter Peter Pumpkin Eater," thinkers will deduce the species of Peter.
3. Thinkers will consider the ending line of the poem, "He put her in a pumpkin shell and there he kept her very well." They will determine how Peter's wife must be feeling and justify their response with supporting evidence.

Materials

Peter Pumpkin Eater
PowerPoint
Presentation



Peter Pumpkin Eater
Student Response
Sheet


 A student response sheet for the nursery rhyme. It includes a "Name" field, the text of the rhyme: "Peter, Peter pumpkin eater / Had a wife who didn't like him / He put her in a pumpkin shell / And there he kept her very well.", a question: "What do you think Peter's wife is feeling?", a drawing area with a pumpkin icon, and a final question: "What does it mean that Peter 'had a wife who wasn't happy'?"

Thinker Materials:
Writing Utensils

Texas Essential Knowledge and Skills Standards

KINDERGARTEN	FIRST GRADE	SECOND GRADE
TX 5B- Generate questions about a text before, during, and after reading to deepen understanding and gain information with adult assistance.	TX 6B- Generate questions about a text before, during, and after reading to deepen understanding and gain information with adult assistance.	TX 6B- Generate questions about a text before, during, and after reading to deepen understanding and gain information with adult assistance.
TX 5C- Make and confirm predictions using text features and structures with adult assistance.	TX 6C- Make, correct, and confirm predictions using text features, characteristics of genres, and structures with adult assistance.	TX 6C- Make, correct, and confirm predictions using text features, characteristics of genres, and structures.
TX 6C- Use text evidence to support an appropriate response.	TX 7C- Use text evidence to support an appropriate response.	TX 7C- Use text evidence to support an appropriate response.
TX 10B- Develop drafts in oral, pictorial, or written form by organizing ideas.	TX 11BII- Develop drafts into focused pieces of writing by developing an idea with specific and relevant details.	TX 11BII- Develop drafts into focused pieces of writing by developing an idea with specific and relevant details.
TX 12A- Generate questions for formal and informal inquiry with adult assistance.	TX 13A- Generate questions for formal and informal inquiry with adult assistance.	TX 13A- Generate questions for formal and informal inquiry with adult assistance.

Peter Peter Pumpkin Eater: Introduction

thinkStarter



What do all of these pictures have in common?

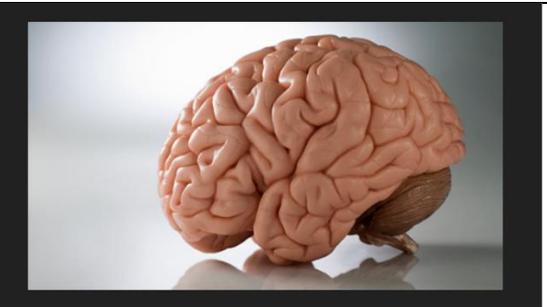
They're all pictures of people exercising.



What happens to your muscles when you exercise?

Pictures will appear as you click through the slide

Your muscles get bigger and stronger the more you exercise.



But did you know that your brain needs exercise too?

It needs exercise to make it bigger and stronger. What kind of exercise do you think you can do for your brain?

Allow thinkers to share their responses.

In class, we do a lot of things to exercise your brain. But we're going to start doing some new brain exercises by thinking really hard about stories and poems and asking lots of questions! Are you ready to get started?

Peter Peter Pumpkin Eater: Introduction

thinkStarter



What do all of these pictures have in common?

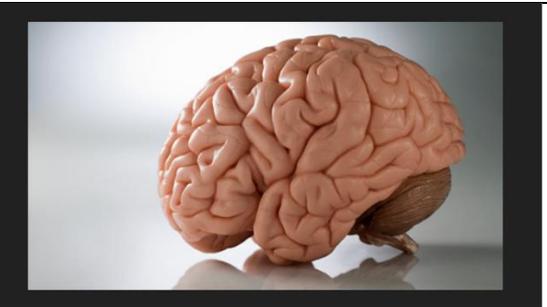
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thinkAnalysis

Peter Peter Pumpkin Eater

Peter, Peter pumpkin eater
had a wife and couldn't keep her.
He put her in a pumpkin shell
and there he kept her very well.
Put her in a pumpkin shell
there he kept her very well.



This nursery rhyme is called "Peter, Peter Pumpkin Eater."

You may have heard this poem before.

Read the poem aloud.

Raise your hand if you have heard this poem before.

Some of you may have heard this poem before and, for some of you, today might be the first time.

This nursery rhyme makes me have a LOT of questions. Does it make you have questions? What questions do you have about this poem? Give thinkers the opportunity to share their questions.

Who is Peter?



My first question is who is Peter?

What do we know about Peter?
The poem doesn't give a lot of information but we know that Peter eats pumpkins, had a wife, and he put his wife in a pumpkin

shell.

When you click on the slide, the images will appear.

Who is Peter?



A boy? A man?

Could Peter be a boy or do you think he's a man? Why did you pick boy/man?

Thinker responses will vary. Many thinkers might choose man since it says that Peter is married

Is Peter human?

Do you think Peter is human? Why or why not?

Thinker responses will vary. The most important part of any response is the justification. A thinker's reasoning that Peter could be an animal might be that people don't fit in most pumpkins.

What kind of animal could Peter be? What would eat a pumpkin?

When you click on the slide, the images will appear. Go through each animal individually.

Is Peter human?



A tiger?



A giraffe?



A mouse?

Do you think Peter could be a tiger? Why or why not?

Most thinkers will probably argue no because tigers eat meat and a pumpkin is a fruit.

Do you think Peter could be a giraffe? Why or why not?

Most thinkers will probably argue no because giraffes are very big and couldn't fit in a pumpkin. However giraffes do eat plants.

Do you think Peter could be a mouse? Why or why not? It is reasonable to think that Peter might be a mouse. A mouse would eat a pumpkin and would be small enough to fit inside a pumpkin.

What other animals could Peter be? You could keep a list of possible animals on the board. Sample responses might be a squirrel, chipmunk, rat, rabbit, etc.

Your turn:

Name _____
Peter Pumpkin Eater
Peter, Peter pumpkin eater
had a wife and couldn't keep her.
He put her in a pumpkin shell
and there he kept her very well.
Put her in a pumpkin shell
there he kept her very well.
Who or what is Peter? How do you know?


Your turn to tell me.

Who or what do you think Peter is?
Thinker responses will vary.
Depending on the age your learners, responses may be pictures, writing, or a combination of both.

Give thinkers time to respond and share.

What does it mean that Peter has a wife and couldn't keep her?



What does it mean that Peter had a wife and couldn't keep her?

There are a lot of possible answers to this question. Maybe Peter's wife was tired of him eating pumpkins all of the time and so she'd run away. Maybe, if Peter and his wife are mice, she's in danger and birds and cats are trying to eat her. Allow thinkers to share their thoughts and follow up with the question "Why?" to make sure that they explain their reasoning.

Your turn:

What does it mean that Peter "Had a wife and couldn't keep her"?

Your turn to tell me.

What does it mean that Peter had a wife and couldn't keep her?

Thinker responses will vary.
Depending on the age your learners, responses may be pictures, writing, or a combination of both. When thinkers are finished allow them to share their responses.

He put her in a pumpkin shell and there he kept her very well.



The last part of the rhyme tells us that “He put her in a pumpkin shell. There he kept her very well.”

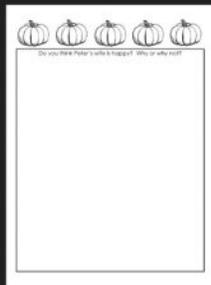
What do you think that means?

Do you think his wife is happy?
Why or why not?

It says that he kept her very well. How might that mean she's unhappy? How might that mean she's happy?

Thinker's responses will depend largely on their previous responses. If Peter and his wife are mice she might be happy about the situation. She has a safe place to hide. They could have decorated the pumpkin really nicely and it could be really cozy. If she's been trying to escape and it's more of a prisoner situation she might be more upset about being put in a pumpkin shell.

Your turn:



Your turn to tell me.
What does it mean that Peter put her in a pumpkin shell and there he kept her very well?

Thinker responses will vary.

When thinkers are finished allow them to share their responses.

I want to thank you for your hard work and big thoughts for today. We're going to keep looking at fairy tales and nursery rhymes to exercise our brains!

Name _____

Peter, Peter Pumpkin Eater

Peter, Peter pumpkin eater
had a wife and couldn't keep her.
He put her in a pumpkin shell
and there he kept her very well.
Put her in a pumpkin shell
there he kept her very well.

Who or what is Peter? How do you know?



What does it mean that Peter "Had a wife and couldn't keep her"?



Do you think Peter's wife is happy? Why or why not?



THINK 
LAW

VOLUME 2
EARLY EDUCATION EDITION
TEACHER EDITION



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Lesson 7

Why the Pineapple has 1,000 Eyes

Settlement and Negotiation

Objective: Thinkers will analyze problems faced by characters in the story and determine why the problems are occurring. Thinkers will devise solutions to the problems faced by the characters.

Lesson Outline

1. Thinkers will begin by sharing experiences with lost shoes and how their parents responded.
2. Thinkers will listen to the story "Why the Pineapple has 1,000 Eyes." Thinkers will analyze the problems faced by the characters in the story. They will determine why the mother and daughter are having those problems and create solutions the characters could implement.
3. Thinkers will examine a picture of a strawberry and make observations. They will then extend their thinking by writing a story about a child who turns into a strawberry.

Materials

Why the Pineapple
PowerPoint
Presentation



Why the Pineapple
Student Sheet

The student sheet is a worksheet with a grid at the top and a large writing area at the bottom. The grid has four columns and two rows. The columns are labeled "What is the problem?" and "What is the solution?". The rows are labeled "What is the problem?" and "What is the solution?". There are small icons of a person in each of the four grid cells. Below the grid is a large rectangular area for writing.

Thinker Materials:
Writing Utensils

Optional
Bring in a real
pineapple for
students to examine

Texas Essential Knowledge and Skills Standards

KINDERGARTEN	FIRST GRADE	SECOND GRADE
1(A) listen actively and ask questions to understand information and answer questions using multi-word responses	1(C) share information and ideas about the topic under discussion, speaking clearly at an appropriate pace and using the conventions of language	1(C) share information and ideas that focus on the topic under discussion, speaking clearly at an appropriate pace and using the conventions of language
5(G) evaluate details to determine what is most important with adult assistance	6(C) make, correct, or confirm predictions using text features, characteristics of genre, and structures with adult assistance	6(B) generate questions about text before, during, and after reading to deepen understanding and gain information
6(C) use text evidence to support an appropriate response	7(C) use text evidence to support an appropriate response	6(F) make inferences and use evidence to support understanding
7(B and D) identify and describe the main character(s) and setting	8(B and D) describe the main character(s) and the reason(s) for their actions, describe the setting	7(C) use text evidence to support an appropriate response

Why the Pineapple has 1,000 Eyes

A Folktale from the Philippines

thinkStarter

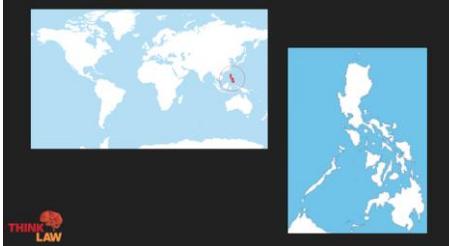


Raise your hand if you've ever lost one of your shoes at your house. Why was your shoe missing? **Allow thinkers to share their responses. Thinkers might say their shoe was missing because they did not put it away in the correct spot.**

- What do your parents say when you lose a shoe?
- Are they grumpy?
- What if they're trying to go somewhere and they're going to be late because they must find your shoe?
- Are they grumpy if it's only happened one time?
- Are they grumpier if it's happened a lot of times?
- Do they help you look?

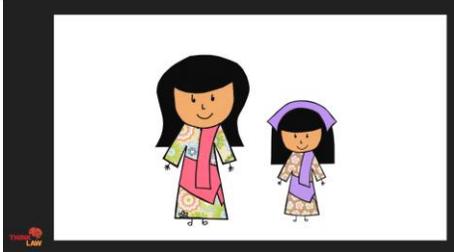
Allow thinkers to share their responses. Remember, in thinkLaw lessons you don't need to ask every, single question! Pick and choose the best questions for your class. Some thinkers will probably share that their families start to get frustrated over missing shoes.

Sometimes kids have trouble finding things. They might ask their parents over and over to help them look. If you were a mom or dad, would you be grumpy if your kid always had trouble finding things? Why or why not? **Allow thinkers to share their responses.**



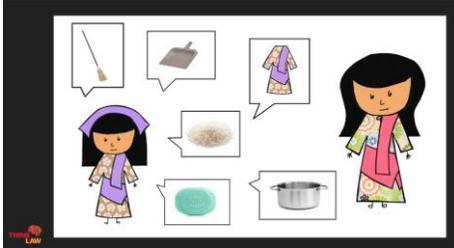
Our story today is from the Philippines. The Philippines is an island country in Asia. The story is called "Why the Pineapple has 1,000 Eyes," and it's about a girl who had trouble finding things.

thinkStory



Once upon a time, there was a widow named Rosa. Rosa had a 10-year-old daughter named Pingang whom she loved very much.

Rosa wanted Pingang to grow up and know how to do housework, so she taught her how to take care of their home and gave Pingang many chores.



Pingang always argued with her mother. Whenever Rosa tried to teach Pingang something new, Pingang would tell her mother that she already knew what to do.

But whenever Pingang had chores to do, she always had many questions for her mother.

Where is the broom? (Click to make the broom appear.)

Where is the dust pan? (Click to make the dust pan appear.)

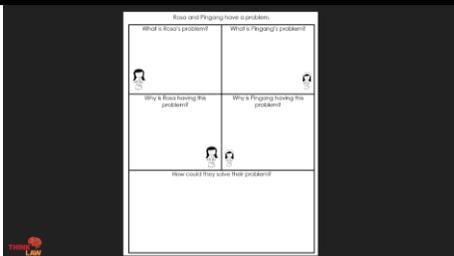
Where is the rice? (Click to make the rice appear.)

Where is the soap? (Click to make the soap appear.)

Where is the pot? (Click to make the pot appear.)

Where is my dress? (Click to make the dress appear.)

Pingang would never look for things herself. She would just ask her mother to find them.



Pingang and her mother are having a problem.

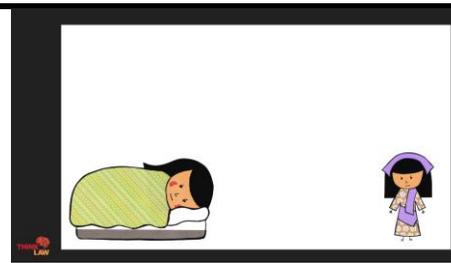
First, let's think about what problem Rosa is having and then about what problem Pingang is having. **Give**

thinkers time to respond and share their answers. Rosa's problem is that her daughter asks her too many questions. Pingang's problem is that she cannot find anything! Thinkers do not have to give these responses. They may have alternative problems. The most important point is that students can support their ideas.

Second, why do you think they are having this problem? Why do you think Pingang can't find the items she looks for? **Give thinkers time to respond and share their answers.** Some thinkers might suggest that Pingang isn't paying attention or she just asks her mom instead of looking for what she wants.

Finally, let's think about how they could solve their problem. How could Pingang do a better job of finding the items she's looking for? How would that help Rosa? What solution can you think of that might make them both happy? **Give thinkers time to respond and share their answers.**

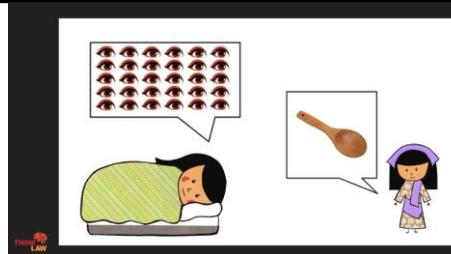
Let's keep reading to see what happens.



One day Rosa got very sick. She could not get out of bed.



Pingang was forced to do all of the housework. All day long she asked her mother questions.

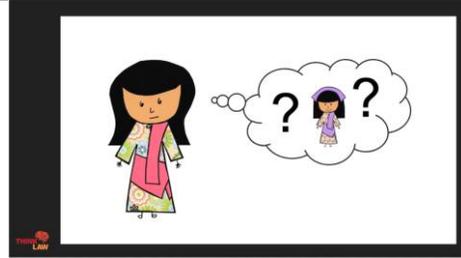


Rosa did not get mad, but she was disappointed that Pingang could not find anything on her own. Rosa was sick for a few more days, so Pingang had to keep taking care of the house.

One day while Pingang was cooking, she could not find the spoon for the rice, so she asked her mother where it was. **(Click to make the spoon appear.)**

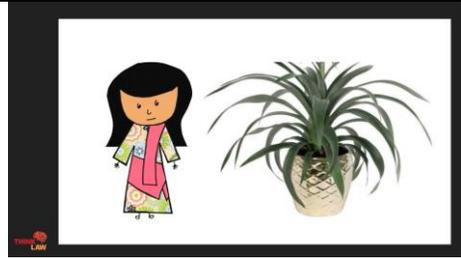
Rosa was fed up with Pingang's questions. "Oh Pingang," she said, "I wish you had 1,000 eyes. **(Click to make the eyes appear.)** If you

had 1,000 eyes, then maybe you could find all of the things yourself and never ask questions again.”



The next morning Rosa was feeling better. She got out of bed. But she could not find Pingang.

She looked outside. She looked in the kitchen. She looked in the basement.



She could not find Pingang. But in the basement, she did find a strange plant growing.

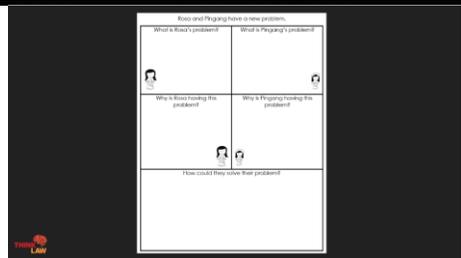
Rosa took the plant and put it in her garden.



The plant grew and soon there was a fruit. The fruit was shaped like a human head and surrounded by many eyes.

Rosa suddenly remembered her last words to Pingang that she wanted her

to have a lot of eyes to find all the things she was looking for. Rosa realized that the plant WAS Pingang. **(Click to make the thought bubble appear.)**



Now Rosa and Pingang REALLY have a problem.

First, let's think about what problem Rosa is having and then about what problem Pingang is having. **Give**

thinkers time to respond and share their answers. Rosa's problem is that she said something when she was angry and now her daughter has turned into a pineapple! Pingang's problem is that she's a pineapple. Thinkers do not have to give these responses. They may have alternative problems. The most important point is that students can support their ideas.

Second, why do you think they are having this problem? Why do you do you think Pingang turned into a pineapple? Give thinkers time to respond and share their answers. Some thinkers might suggest that Rosa was very angry when she told Pingang that she wished she had 1,000 eyes and didn't think about what she said.

Next, let's think about how they could solve their problem. How could Pingang turn back to a girl? Give thinkers time to respond and share their answers. Some thinkers might suggest that maybe if Rosa apologized to Pingang, she would turn back into a girl.

Let's keep reading to see how the story ends.



Rosa was very sad, but she took good care of the plant and called it Pingang after her daughter.

Later the fruit was called "pinya" or "pineapple" in English.

What did you think about the ending of the story? Did you like it? Why or why not? Give thinkers an opportunity to respond. Some thinkers might feel like the ending of the story was sad for both Rosa and Pingang.

Were you disappointed that Pingang did not turn back into a girl? Why or why not? Some thinkers might think it's sad that Pingang did not turn back into a girl because Rosa will miss her very much. Others might feel like Pingang and Rosa deserved what happened.

thinkBigger



Why do you think that the author of this story chose for Pingang to turn into a pineapple?

Do you think a pineapple looks like it has 1,000 eyes? Why or why not?

Name _____

Why the Pineapple has 1,000 Eyes

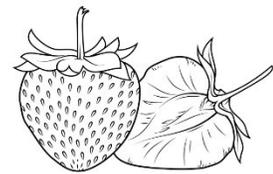
Rosa and Pingang have a problem.

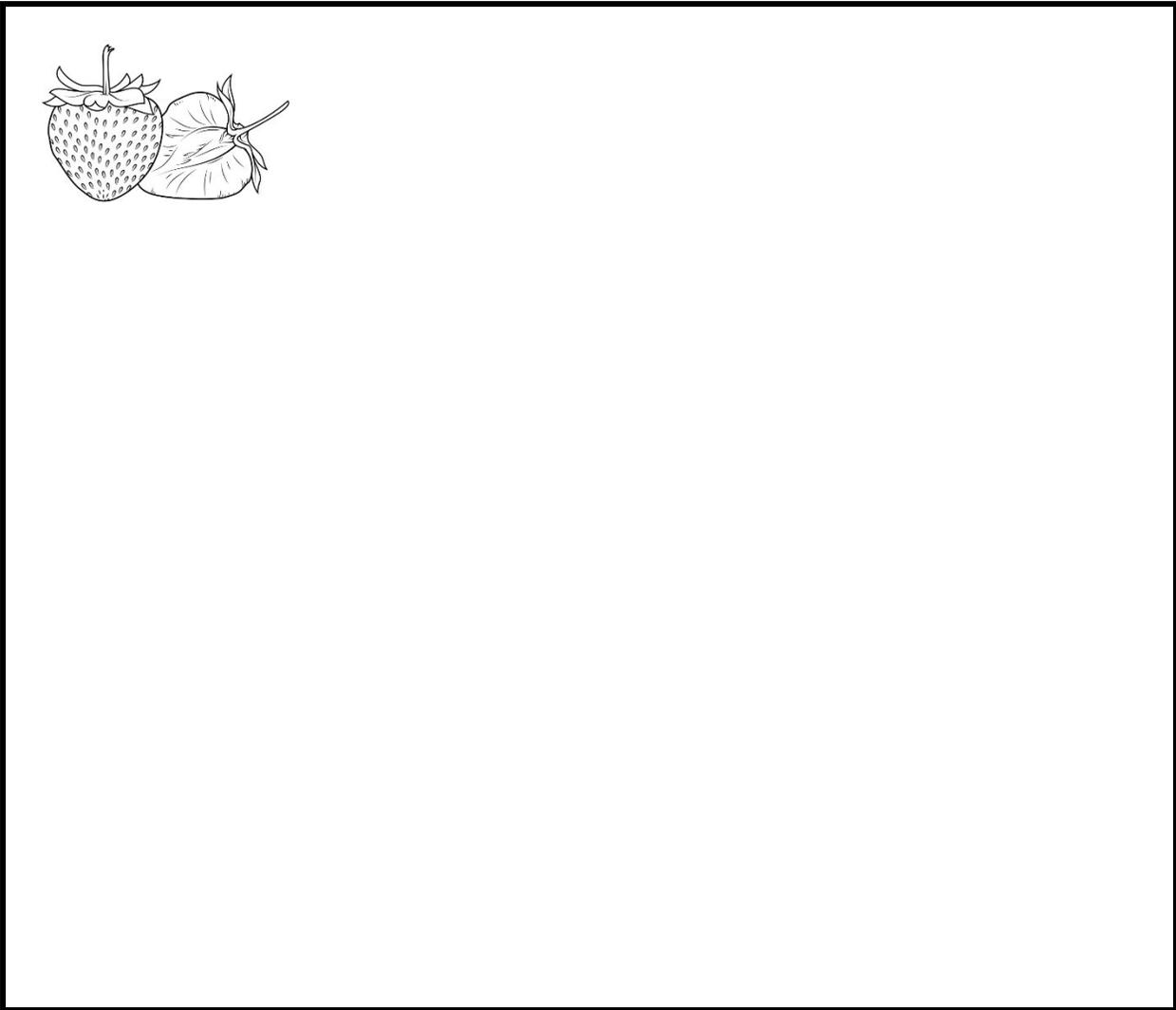
<p>What is Rosa's problem?</p> 	<p>What is Pingang's problem?</p> 
<p>Why is Rosa having this problem?</p> 	<p>Why is Pingang having this problem?</p> 
<p>How could they solve their problem?</p>	

Rosa and Pingang have a new problem.

<p>What is Rosa's problem?</p> 	<p>What is Pingang's problem?</p> 
<p>Why is Rosa having this problem?</p> 	<p>Why is Pingang having this problem?</p> 
<p>How could they solve their problem?</p>	

Write a story about a kid that turns into a strawberry:





thinkLaw Curriculum

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Student Work Pages



Available as Workbooks or Electronically

Compatible with Google Classroom

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Additional Lessons



thinkLaw Users have Access to a Library of over 50 Additional thinkLaw Lessons

Writing Assessments



Assessments with Scoring Guides using the DRAAW+C Framework

Braincandy

Online Database of over 1,000 questions that accompany all thinkLaw Lessons



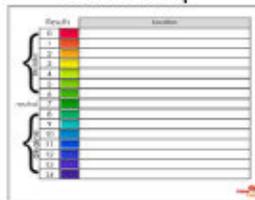
Extension Activities

Additional Extension Activities to Review Math, Writing, and Science Skills Using Social Justice as a Motivator!

Activity	Grade Level
Writing Extension: Write a letter to the editor about a social justice issue.	6-8
Writing Extension: Write a letter to the editor about a social justice issue.	9-12
Writing Extension: Write a letter to the editor about a social justice issue.	6-8
Writing Extension: Write a letter to the editor about a social justice issue.	9-12
Writing Extension: Write a letter to the editor about a social justice issue.	6-8
Writing Extension: Write a letter to the editor about a social justice issue.	9-12

Project-Based Learning Experiences

Allow Students Real-World Opportunities for Active Citizenship



Comprehensive Teacher Onboarding



Training Video Calls to Explain the thinkLaw Approach and Materials

All thinkLaw Materials are Standards Aligned!



THINK
LAW

VOLUME 1
THIRD AND FOURTH GRADES
TEACHER'S EDITION

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Lesson 16

Monkey Business

Making and Evaluating Difficult Decisions



Objective:

Thinkers will analyze a high-profile, viral case, identify their emotional reactions to this problem, evaluate potential options to resolve the problem, and critique the problem.

Lesson Outline:

1. Thinkers will briefly discuss the first major lawsuit regarding animal rights.
2. Thinkers will analyze a case involving a photographer and a photograph of a monkey.
3. Thinkers will determine PETA's motivation to file a lawsuit in the name of a monkey.
4. Thinkers will conclude by brainstorming other rights that are reserved for humans and determine if these rights should be extended to animals

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 3	<p>TX 6.B Generate questions about text before, during, and after reading to deepen understanding and gain information.</p>	<p>TX 6.H Synthesize information to create a new understanding.</p>	<p>TX 12.C Compose argumentative texts, including opinion essays, using genre characteristics and craft.</p>	<p>TX 1 Listen actively, ask relevant questions to clarify information, and make pertinent comments.</p>
GRADE 4	<p>TX 6.B Generate questions, about text before, during, and after reading to deepen understanding and gain information.</p>	<p>TX 6.H Synthesize information to create a new understanding.</p>	<p>TX 12.C Compose argumentative texts, including opinion essays, using genre characteristics and craft.</p>	<p>TX 1 Listen actively, ask relevant questions to clarify information and make pertinent comments.</p>

Lesson 16: Monkey Business

Making and Evaluating Difficult Decisions

Lesson 16

Monkey Business

Making and Evaluating Difficult Decisions and Legal Writing

thinkStarter

Washoe was a female chimp born in 1965. She was the first non-human to learn to communicate in American Sign Language. Allen and Beatrix Gardner raised her. Washoe lived in their home, wore clothes, and would eat at their dinner table. When Washoe was five, the Gardners stopped their research.

Washoe was sent to participate in other research programs. At one point, Washoe was going to be sent for medical research.

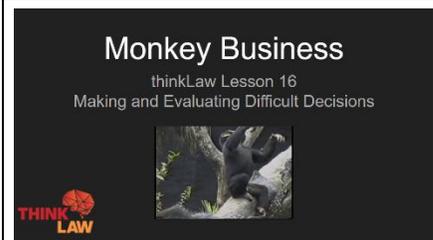
A group of animal rights activists were worried. So they set up a trust, or an account with money to take care of Washoe, and appointed the chimp a guardian.

New York Law permitted trusts and guardians for a person with a disability. But could Washoe be granted the same rights as a human? Washoe's attorneys filed a lawsuit claiming that Washoe's mental, emotional, and biological characteristics made her similar to a human so she should be protected in the same way.

Should Washoe win her lawsuit? List arguments that both sides will present.

Reasons Washoe should win	Reasons Washoe should NOT win
<ul style="list-style-type: none"> Washoe was raised in a way that was similar to a human child. Washoe could use ASL, a human language. Chimp DNA is very similar to human DNA. 	<ul style="list-style-type: none"> Washoe is not a human so she should not have human rights. Washoe doesn't need a trust because her needs are the same as a human with a disability.

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Instructor's Note:

Washoe would interact with her teachers in a way that is very similar to humans. One of her teachers suffered a miscarriage. When she returned to work she told Washoe, "My baby died." Washoe signed, "Cry" and made a motion indicating a tear (chimps are incapable of crying) Does this display of human-like empathy affect your thinking?

Instructor's Note:

Washoe won her case. She was allowed to have a trust and a guardian.

thinkStarter Probing Questions:

- Why would an individual who is disabled need a trust and/or guardian? Can the same arguments be made for Washoe?
- Does the fact that Washoe can communicate with a human language affect your opinion? Why or why not?
- Washoe was raised in a very similar fashion to a human child. Should that be taken into consideration? Why or why not? If so, many people consider their pets to be like children. Should pets be given human rights?
- What other animals display human characteristics such as intelligence and emotion? Should the same rights be extended to them?

Instructor's Note:

The photograph in question is on a slide in the lesson 16 PowerPoint presentation.



thinkStarter Summary

Washoe's case was one of the first lawsuits about **animal rights**. Animals have rights but they are not the same as **human rights**. Some people believe that animals should have the same rights as humans. This next case examines if an animal has the right to own a copyright.

thinkArguments

Monkey Business

(Naruto v. Slater, 2016, California)

David Slater is a British nature photographer. David took a trip to Indonesia to photograph monkeys. While he was there, he took pictures of a group of crested black macaques. David claims that he taught the primates to press the camera button as they were looking into the camera lens. The result was an adorable monkey "selfie." David made enough money selling the photograph to cover the cost of his trip.

In 2014, David asked Wikipedia to stop using the monkey selfie without his permission. Wikipedia refused. They claimed that the monkey took the picture and that since animals cannot own a copyright, no one owned the rights to the photo. A **copyright** means that someone owns a piece of work, like a song, picture, or movie, and if anyone else wants to use that piece of work they need to get permission for the person who owns it.

Do you think Wikipedia should have taken the photo down?

<input type="checkbox"/> Yes <input type="checkbox"/> No	Why? Thinker responses will vary. Some will say that if the monkey cannot own the copyright, the copyright must belong to David.
---	--

77

Probing Questions:

- Why do you think David wanted Wikipedia to take the photo down?
- What if this were a case involving two humans? If another person uses your camera to take a picture of himself or herself, who should own the rights to the photo? Does that impact your thinking with this case? Should it matter if it's a monkey?
- What "harm" happens to a person whose copyrights is violated? (i.e. loss of income) Would a monkey be impacted by any of these issues? Does a monkey suffer from loss of income? Why or why not?

In 2015, PETA (People for the Ethical Treatment of Animals) filed a lawsuit against David on behalf of the six-year-old crested black macaque named Naruto. PETA claimed that since Naruto took the photo, he should own the rights.

Should Naruto win his lawsuit? List arguments that both sides will present.

Reasons Naruto should win	Reasons Naruto should NOT win
<ul style="list-style-type: none"> Naruto took the picture. David made money from the photograph but the monkey did not receive anything from the sale of his photo. 	<ul style="list-style-type: none"> Naruto is a monkey and only humans can hold copyrights. David taught Naruto how to use the camera. PETA does not have any relationship with the monkey so they should not be allowed to file a lawsuit on its behalf.

thinkWeird

Is there anything strange about this case? Why would PETA file a lawsuit on behalf of a monkey? Do you think Naruto cares about David selling the photograph?

Thinkers should find it strange that a monkey would file a lawsuit. The actual court documents have the monkey's name as the Plaintiff. PETA doesn't have a relationship with this specific monkey but they are a group that promotes the rights of animals. PETA would want Naruto to win the suit to expand animal rights. Naruto, as far as we know, does not have any concerns about the photograph.

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Instructor's Note:

Split thinkers into groups. Assign some groups to brainstorm arguments to support Naruoto's case and some groups to brainstorm arguments against Naruto.

Instructor's Note:

PETA is a non-profit organization located in Virginia. They claim to have 6.5 million members worldwide. The group began with work in 1980.

Their mission is to protect animals and fight for animal rights.

PETA is famous for their stances against fur coats, using animals for medical testing, eating animal products, and having animals kept in zoos and aquariums.

Probing Questions:

- If Naruto wins, what do you think the implications would be for a monkey to own a copyright?
- Would people need his written permission to use the photo? If the photo was purchased would Naruto get the money? How do you think that would look?
- Lawyers have to determine both issue and interest in a case. The issue is whether the monkey has a right to own a copyright, but what's the interest? What is PETA trying to accomplish? Is this really about Naruto's photo or do you think they have another motivation? If so, what do you think their motivation is?

thinkWrite

Should Naruto win his lawsuit against David? Use the DRAAW+C framework to structure your argument.

Decision: Who should win the lawsuit?

Naruto should/should not win his lawsuit. (choose one)

Rule/Law: What is the rule or law?

You don't have to know an EXACT rule or law. Think about rules and laws that relate to school and issues of free speech.

The rule in this case is that only humans can own copyrights.

Arguments for the students All evidence, facts, and arguments to support Naruto. (What are Naruto's best arguments?)

Naruto will argue that David did not take the photograph but is making money by selling it. Naruto took the photo but is not receiving anything in return.

Arguments against the students All evidence, facts, and arguments to support David. (What are the David's best arguments?)

David will argue that the photo was taken with his camera. David taught the monkey how to press the button so he is responsible for the photograph. David will argue monkeys cannot own copyrights.

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Probing Questions:

- If PETA and Naruto win this lawsuit? What other implications will it have? What are other situations that could be affected? (i.e. zoos selling paintings done by elephants)
- With copyright law, copyrights are often passed onto the copyright holder's children. Would this be possible for Naruto? Would it be possible to find all of his children? Why or why not?

World: Looking at the big picture, why is your decision better for the world than the other possible decisions?

Expanding animal rights to include human rights could have other implications. Humans sell a lot of products that are created by animals without paying the animals money.

Conclusion: rewrite the decision as a conclusion

Therefore,

thinkBigger

What are other rights that are reserved for humans and not animals?

A few examples include:

- Owning property
- Getting married
- Driving a car
- Getting a free, public education

Should any of these rights be extended to animals? Why or why not?

Thinker responses will vary.

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Instuctor's Note;

In the real case, David kept wining. However, everytime David would win PETA would appeal the decision. David lost all of his money trying to pay his legal fees and had to get a job outside of photography to pay his bills. David is not a United States citizen. He is from the United Kingdom and he said that the United States' legal system was very confusing.

In the end, the Court ruled in favor of David and David agreed to donate a percentage of money from the sale of the photo to monkey conservation.

Probing Questions:

- How are animals and people different?
- Why do humans have rights that animals do not have? Should animals have human rights? Why or why not?
- What would the world look like if animals and people had the same rights?

Lesson 16

Monkey Business

Making and Evaluating Difficult Decisions and Legal Writing

thinkStarter

Washoe was a female chimp born in 1965. She was the first non-human to learn to communicate in American Sign Language. Allen and Beatrix Gardner raised her. Washoe lived in their home, wore clothes, and would eat at their dinner table. When Washoe was five, the Gardners stopped their research.

Washoe was sent to participate in other research programs. At one point, Washoe was going to be sent for medical research.

A group of animal rights activists were worried. So they set up a trust, or an account with money to take care of Washoe, and appointed the chimp a guardian.

New York Law permitted trusts and guardians for a person with a disability. But could Washoe be granted the same rights as a human? Washoe's attorneys filed a lawsuit claiming that Washoe's mental, emotional, and biological characteristics made her similar to a human so she should be protected in the same way.

Should Washoe win her lawsuit? List arguments that both sides will present.

Reasons Washoe should win	Reasons Washoe should NOT win

thinkStarter Summary

Washoe's case was one of the first lawsuits about **animal rights**. Animals have rights but they are not the same as **human rights**. Some people believe that animals should have the same rights as humans. This next case examines if an animal has the right to own a copyright.

thinkArguments

Monkey Business

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In 2014, David asked Wikipedia to stop using the monkey selfie without his permission. Wikipedia refused. They claimed that the monkey took the picture and that since animals cannot own a copyright, no one owned the rights to the photo. A **copyright** means that someone owns a piece of work, like a song, picture, or movie, and if anyone else wants to use that piece of work they need to get permission for the person who owns it.

Do you think Wikipedia should have taken the photo down?

<input type="checkbox"/> Yes <input type="checkbox"/> No	Why?
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In 2015, PETA (People for the Ethical Treatment of Animals) filed a lawsuit against David on behalf of the six-year-old crested black macaque named Naruto. PETA claimed that since Naruto took the photo, he should own the rights.

Should Naruto win his lawsuit? List arguments that both sides will present.

Reasons Naruto should win	Reasons Naruto should NOT win

thinkWeird

Is there anything strange about this case? Why would PETA file a lawsuit on behalf of a monkey? Do you think Naruto cares about David selling the photograph?

thinkWrite

Should Naruto win his lawsuit against David? Use the DRAAW+C framework to structure your argument.

Decision: Who should win the lawsuit?

Naruto should/should not win his lawsuit. (choose one)

Rule/Law: What is the rule or law?

You don't have to know an EXACT rule or law. Think about rules and laws that relate to school and issues of free speech.

Arguments for the students All evidence, facts, and arguments to support Naruto. (What are Naruto's best arguments?)

Arguments against the students All evidence, facts, and arguments to support David. (What are the David's best arguments?)

World: Looking at the big picture, why is your decision better for the world than the other possible decisions?

Conclusion: rewrite the decision as a conclusion

Therefore,

thinkBigger

What are other rights that are reserved for humans and not animals?

Should any of these rights be extended to animals? Why or why not?



THINK
LAW

VOLUME I
TEACHER'S EDITION

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The Chair and the Stick (Part I): Applying legal rules from multiple perspectives.

Objective: Thinkers will use their personal knowledge of rules about unwanted touching to create a rule defining the legal elements of battery, learn the actual rule for battery through real-life battery cases, and analyze multiple perspectives of these cases.

This is the first part of a two-part lesson that can be broken into two days for 45-55 minute sections or done in one day taught in a 90-110 minute block.

TEKS CONTENT STANDARDS

GRADE 5

TX 11.A – Students are expected to: summarize the main ideas and supporting details in a text in ways that maintain meaning and logical order;

TX RC.D - Students are expected to: make inferences about text and use textual evidence to support understanding

TX 10-Students are expected to draw conclusions from the information presented by an author and evaluate how well the author's purpose was achieved

TX 12A-Students are expected to identify the author's viewpoint or position and explain the basic relationships among ideas

GRADE 6

TX 17.C-Students are expected to: write responses to literary or expository texts and provide evidence from the text to demonstrate understanding

TX RC.D – Students are expected to: make inferences about text and use textual evidence to support understanding;

TX-18-Students are expected to write persuasive essays for appropriate audiences that establish a position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives

TX 26.A-Students are expected to: listen to and interpret a speaker's messages (both verbal and nonverbal) and ask questions to clarify the speaker's purpose and perspective

GRADE 7

TX 10.A – Students are expected to: evaluate a summary of the original text for accuracy of the main ideas, supporting details, and overall meaning

TX RC.D – Students are expected to: make complex inferences about text and use textual evidence to support understanding

TX 18.A-Students are expected to write a persuasive essay to the appropriate audience that establishes a clear thesis or position

TX 12.A-Students are expected to follow multi-dimensional instructions from text to complete a task, solve a problem, or perform procedures.

Lesson Outline

1. Thinkers will briefly discuss exceptions for the general rule that it is not okay to hit people and use this exercise to define a general rule for battery.
2. Thinkers will learn the formal elements of a battery claim and apply these elements, the broader context, and public policy considerations while arguing the plaintiff and defendant sides of The Chair case.
3. Thinkers will apply the rule from The Chair case to determine if a battery occurred in The Bicycles case.

TEKS CONTENT STANDARDS

GRADE 8

TX 10.C – Students are expected to: make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns

TX RC.D – Students are expected to: make complex inferences about text and use textual evidence to support understanding

TX 19-Students are expected to write persuasive essays for appropriate audiences that establish a position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives.

TX 26.A-Students are expected to listen to and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence that supports a speaker's claims

GRADE 9-10

TX 10.C – Students are expected to: make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns

TX RC.B – Students are expected to: make complex inferences about text and use textual evidence to support understanding

TX 16-Students are expected to write an argumentative essay to the appropriate audience that includes a clear thesis or position based on logical reasons supported by precise and relevant evidence

TX 9.B-Students are expected to: distinguish among different kinds of evidence (e.g., logical, empirical, anecdotal) used to support conclusions and arguments in texts

GRADE 11-12

TX 10.A-Students are expected to evaluate the merits of an argument, action, or policy by analyzing the relationships among evidence, inferences, assumptions, and claims in text

TX RC.B - Students are expected to: make complex inferences about text and use textual evidence to support understanding

TX 16-Students are expected to write an argumentative essay to the appropriate audience that includes: a clear thesis or position based on logical reasons with various forms of support

TX 9.B-Students are expected to explain how authors writing on the same issue reached different conclusions because of differences in assumptions, evidence, reasoning, and viewpoints

Instructor's Note:

Enter thinker answers into the following chart. Thinkers are likely to come up with self-defense, accidental hitting, or consent as reasons hitting someone would be okay. After completing the chart with 3-4 entries, ask thinkers probing questions about the rules for hitting someone, following up with several "why?" questions to spark deeper thought into the rules.

Instructor's Note:

Have thinkers write the legal rule for battery in the box underneath.

Table 3B

What is the strongest evidence that Brian's act was not done on purpose? (He is only five.)

Why is this a strong piece of evidence?

What is the strongest evidence that Brian's act was done intentionally or on purpose?

Did Brian's act involve contact with another person? Why or why not?

If there was contact, was that contact harmful or offensive? Why or why not? Have you ever had a chair pulled out from under you and fallen on the floor? Did you enjoy that? Why or why not? Does your past experience influence your opinion about whether Brian's act was harmful or offensive?

Did Brian's aunt suffer damages as a result of Brian's act? Why or why not? What is the best argument that Brian's aunt didn't suffer any damages?

Sample chart: (Sample answers in red. The only column filled out in student workbooks is the "Element of Battery" column.)

Instructor's Note:

It is important to emphasize that great lawyers understand when there are no good arguments.

LESSON 3

The Chair and the Stick (Part I): Applying legal rules from multiple perspectives

Objective: Thinkers will use their personal knowledge of rules about unwanted touching to create a rule defining the legal elements of battery, learn the actual rule for battery through real-life battery cases, and apply multiple perspectives of these cases using these battery rules.



Should you ever be able to hit someone without getting in trouble for it? Why or why not?

TABLE 3A

REASON IT IS OKAY TO HIT SOMEONE	WHY SHOULD THIS REASON PREVENT YOU FROM GETTING IN TROUBLE FOR HITTING SOMEONE?
Self-defense	
They gave you permission to hit them	
You hit them by accident	

Summary of thinkStarter

If you hit someone, the person can sue you for battery – which is just a fancy word for hitting someone. If you commit a battery and get sued, you will be the defendant and the plaintiff could win a lawsuit against you. If the plaintiff wins, you will be

liable for battery. In other words, you will have to pay the plaintiff money for the harm you caused.

thinkHypothesis

Based on the discussion in the thinkStarter activity, write a rule for battery in the space below.

A BATTERY HAPPENS WHEN A DEFENDANT:

Legal Rule: Battery

thinkCreatively: Using the names Angel and Brianna, create a set of facts that would allow Brianna to win a lawsuit for battery (proving all of these ele-

ments) against Angel and write it down in the space below. Make sure that your story involves Angel intentionally making harmful or offensive contact with Brianna that causes damages.

Here, we know that Brian's aunt had serious injuries that caused her to go to a hospital. But since we know that Brian's aunt still has to prove three other elements besides the damages, it makes more sense to focus on the elements that are less clear. Thinkers should also reach the conclusion that there is no good argument that pulling out a chair is harmful or offensive contact.

Instructor's Note:

Thinkers may conclude that it is odd for an aunt to sue a child. Push Thinkers to come up with reasons why the aunt would make the interesting choice to sue her 5-year-old nephew. Thinkers might think that there must have been some sort of ongoing family dispute, which is often the case in lawsuits involving family members. In the actual case, Brian's

Now that we know what a simple case of battery looks like, let's take a look at one of the most famous battery cases ever:

The Chair Case

(Garrett v. Daily, 1956, Washington)

Brian is five years old, and his aunt has sued him for battery. His aunt claims that Brian saw that she was about to sit down in a chair and pulled the chair away from her just as she was going to sit down. As a result, she fell on the floor, seriously hurt her hip, and had to pay \$11,000 in hospital bills.

Is Brian liable for a battery? Vote.

thinkAnalysis

Now, let's consider the checklist of battery elements:

- 1) **Intentional**
- 2) **Contact with another person**
- 3) **Harmful or offensive**
- 4) **Cause damages**

Remember, to prove that a battery occurred, a plaintiff has to prove all four of these elements.

Complete the following chart:

TABLE 3B - SUGGESTED LINE OF QUESTIONING

ELEMENT OF BATTERY	EVIDENCE SUPPORTING ELEMENT (PLAINTIFF)	EVIDENCE AGAINST ELEMENT (DEFENDANT)	WHICH EVIDENCE IS STRONGER?
1) Brian's act was intentional	He pulled out the chair right before she sat down, so that shows that he must have known what he was doing.	Brian is only five. He was too young to realize what he was doing.	Plaintiff or Defendant
2) Brian's act involved contact with another person	Brian's actions caused his aunt to fall and make contact with the floor.	Brian did not actually touch his aunt, he just touched the chair. (What if Brian shot his aunt? That would not be actual touching either so would that be okay?)	Plaintiff or Defendant
3) Brian's act was harmful or offensive	His aunt hurt her hip and had to go to the hospital.	It was just a prank that was not meant to be harmful.	Plaintiff
4) Brian's act caused damages	His aunt had \$11,000 in medical bills.	None	Plaintiff

thinkBigPicture

Before we do another poll, let's examine the big picture. In this case, an aunt is suing her five year old nephew because he pulled out a chair from under her and she ended up with \$11,000 in hospital bills. Is there anything strange about this case? Would you sue your 5-year-old nephew if he did this to you? Why do you think she is suing her own family member?

Final vote: Is Brian liable for a battery? Take a poll.

Brian was actually five years and nine months old when this happened. Does this change your thoughts about whether Brian is liable for battery? Why or why not?

Second final vote: Now that we know Brian was actually five years and nine months old, is Brian liable for a battery? Take a poll.

Brian's aunt had arthritis in her knees, which is a medical condition that caused her to sit down much slower than most other adults do.

Third final vote: Is Brian liable for a battery? Take a poll.

Instructor's Note:

Poll your Thinkers at this point to see how many people believe Brian is liable for a battery if the aunt's story is true. Initial reactions to facts are important, because when a jury hears a case like this, people sitting in a jury may also have emotional reactions.

The aunt's attorney will need to prove all four elements of battery in order to win. Brian's attorney will just need to disprove one element to win.

Braincandy Questions:

(3.1) Should you ever be able to hit someone without getting in trouble for it? Why or why not?

(3.2) What do you think is the legal definition of battery?

(3.3) Poll: Is Brian liable for battery?

(3.4) Poll: Which element of battery do you think will be the most difficult for the aunt to prove?

(3.5) New Information: Brian was actually five years and nine months old when this happened. Poll: Is Brian liable for battery?

(3.6) New Information: Brian's aunt had arthritis in her knees, which is a medical condition that caused her to sit down much slower than other adults. Poll: Is Brian liable for battery?

parents had a home insurance policy that would have covered his aunt's injuries if Brian was found liable for battery. This is probably the major reason why this lawsuit happened.

Additional Probing Questions

Is there any other reason, not based on evidence, that Brian should or should not be liable for the lawsuit?

Would you want to live in a world where it was okay to sue a 5-year-old for damages caused by their pranks? Why or why not?

Would you want to live in a world where an adult could sue for serious medical injuries because the person who harmed him or her was only 5 years old? Why or why not?



The Chair and the Stick (Part I): Applying legal rules from multiple perspectives

Objective: Thinkers will use their personal knowledge of rules about unwanted touching to create a rule defining the legal elements of battery, learn the actual rule for battery through real-life battery cases, and apply multiple perspectives of these cases using these battery rules.



Should you ever be able to hit someone without getting in trouble for it? Why or why not?

TABLE 3A

REASON IT IS OKAY TO HIT SOMEONE	WHY SHOULD THIS REASON PREVENT YOU FROM GETTING IN TROUBLE FOR HITTING SOMEONE?

Summary of thinkStarter

If you hit someone, the person can sue you for battery – which is just a fancy word for hitting someone. If you commit a battery and get sued, you will be the defendant, and the plaintiff could win a lawsuit against you. If the plaintiff wins, you will be

liable for battery. In other words, you will have to pay the plaintiff money for the harm you caused.

thinkHypothesis

Based on the discussion in the thinkStarter activity, write a rule for battery in the space below.

A BATTERY HAPPENS WHEN A DEFENDANT:

Legal Rule: Battery

thinkCreatively: Using the names Angel and Brianna, create a set of facts that would allow Brianna to win a lawsuit for battery (proving all of these ele-

ments) against Angel and write it down in the space below. Make sure that your story involves Angel intentionally making harmful or offensive contact with Brianna that causes damages.

Now that we know what a simple case of battery looks like, let’s take a look at one of the most famous battery cases ever:

The Chair Case

(*Garrett v. Dailey*, 49 Wash. 2d 499, 304 P.2d 681 (1956))

Brian is five years old, and his aunt has sued him for battery. His aunt claims that Brian saw that she was about to sit down in a chair and pulled the chair away from her just as she was going to sit down. As a result, she fell on the floor, seriously hurt her hip, and had to pay \$11,000 in hospital bills.

Is Brian liable for a battery? Vote.

thinkAnalysis

Now, let’s consider the checklist of battery elements:

- 1)
- 2)
- 3)
- 4)

Remember, to prove that a battery occurred, a plaintiff has to prove all four of these elements.

Complete the following chart:

TABLE 3B - SUGGESTED LINE OF QUESTIONING

ELEMENT OF BATTERY	EVIDENCE SUPPORTING ELEMENT (PLAINTIFF)	EVIDENCE AGAINST ELEMENT (DEFENDANT)	WHICH EVIDENCE IS STRONGER?
1) Brian’s act was intentional			
2) Brian’s act involved contact with another person			
3) Brian’s act was harmful or offensive			
4) Brian’s act caused damages			

thinkBigPicture

Before we do another poll, let’s examine the big picture. In this case, an aunt is suing her 5 year old nephew because he pulled out a chair from under her and she ended up with \$11,000 in hospital bills. Is there anything strange about this case? Would you sue your 5 year old nephew if he did this to you? Why do you think she is suing her own family member?

Final vote: Is Brian liable for a battery? Take a poll.

Brian was actually five years and nine months old when this happened. Does this change your thoughts about whether Brian is liable for battery? Why or why not?

Second final vote: Now that we know Brian was actually five years and nine months old, is Brian liable for a battery? Take a poll.

Brian’s aunt had arthritis in her knees, which is a medical condition that caused her to sit down much slower than most other adults do.

Third final vote: Is Brian liable for a battery? Take a poll.

Summary of Chair Case

The Court decided that Brian was liable for the battery, but the final result does not matter – what matters is the critical thinking the Court went through to reach its decision. The Court explained that even though Brian did not touch his aunt, he pulled out her chair just before she sat down. Therefore, her injury was “substantially certain” to occur. It did not matter that Brian may have not meant to hurt her. All that mattered is that he meant for her to hit the ground instead of her chair. Therefore, Brian was liable for battery.

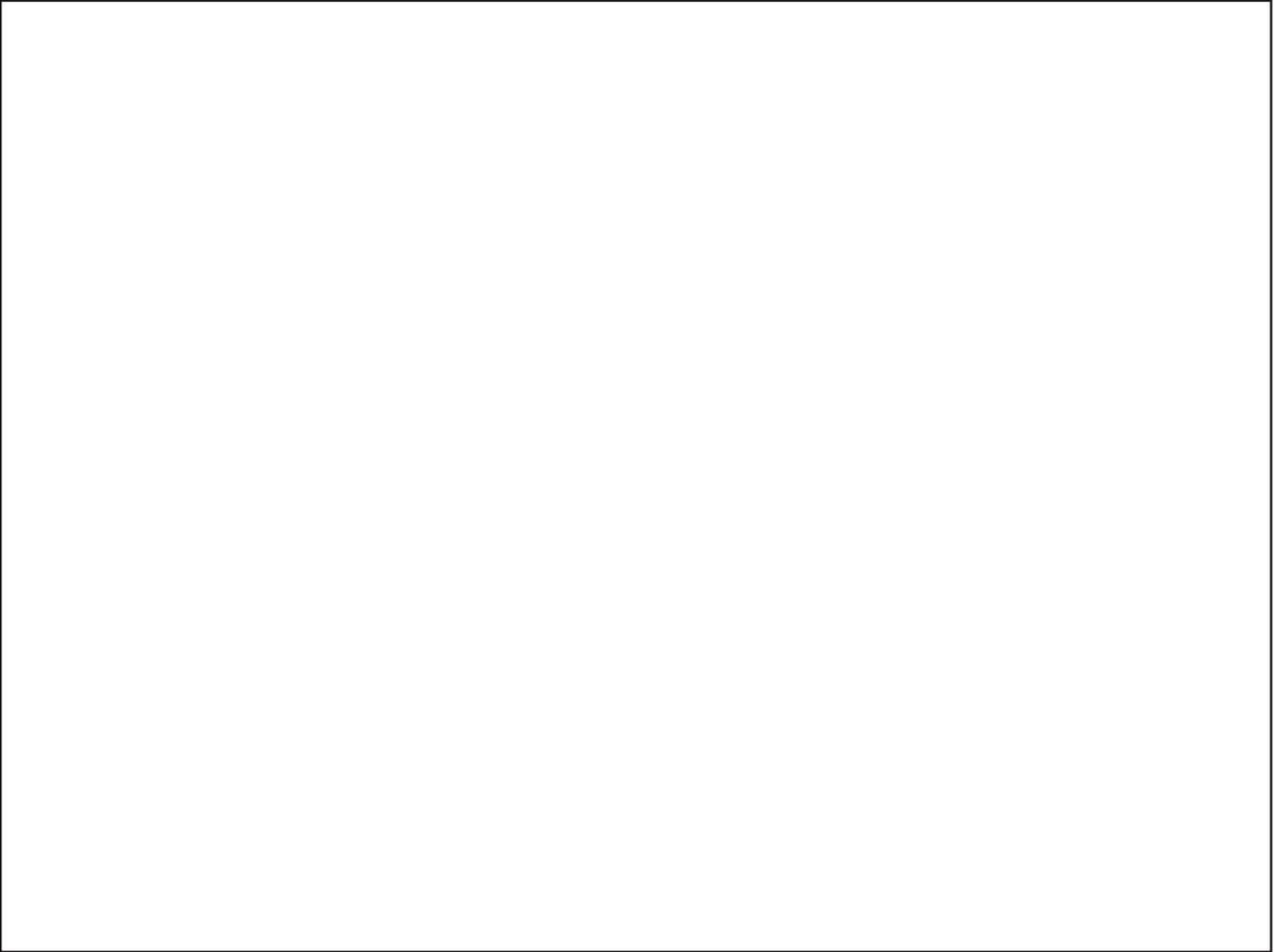
thinkBigger

The Bicycles

(*Menagh v. Breitman*, S.C.N.Y., Case No: 107856/09, Doc. No. 002)

Juliet was 4 years old when she and her 5 year old friend Jacob raced their bicycles down a sidewalk in Manhattan, New York. Juliet’s mother and Jacob’s mother were watching them, and their bicycles still had training wheels on them. They crashed into Claire, an 87 year old woman who was walking on the sidewalk. Claire broke her hip and sued Juliet, Jacob, and their mothers for crashing into her.

- 1) Should Juliet and Jacob be liable for a battery against Claire? Why or why not?
- 2) Are Juliet’s and Jacob’s actions worse than Brian’s in the Chair Case? Why or why not? (Compare specific facts from The Chair Case to the this case in your answer).





THINK
LAW

**SOCIAL JUSTICE
TEACHER'S EDITION**

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Dangerous Pop Tarts: Legal Synthesis and Rule Making

Objective: Thinkers will assess the origin, application, and impact of zero tolerance policies in schools.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 5

TX 11.C- Students are expected to analyze how the organizational pattern of a text influences the relationships among the ideas.

TX 13.A- Students are expected to interpret details from procedural text to complete a task, solve a problem, or perform procedures.

TX 6.A- Students are expected to summarize the plot's main events and explain their influence.

TX 28- Students are expected to participate in student-led discussions by eliciting and considering suggestions from other group members and by identifying points of agreement and disagreement.

GRADE 6

TX RC.D- Students are expected to make inferences about text and use textual evidence to support understanding.

TX.10.C- Students are expected to explain how different organizational patterns develop the main idea and the author's viewpoint.

TX 12.A- Students are expected to follow multi-tasked instructions and complete a task.

TX 28- Students are expected to participate in student-led discussions by eliciting and considering suggestions from other group members and by identifying points of agreement and disagreement.

GRADE 7

TX RC.D- Students are expected to make complex inferences about text and use textual evidence to support understanding.

TX. 10.C- Students are expected to explain how different organizational patterns develop the main idea and the author's viewpoint.

TX 12.A- Students are expected to follow multi-dimensional instructions to complete a task.

TX 28- Students are expected to participate productively in discussions, plan agendas with clear goals and deadlines, set time limits for speakers, take notes, and vote on key issues.

Lesson Outline:

1. Thinkers will brainstorm school safety rules and the consequences for breaking those rules.
2. Thinkers will consider the origin, pros, and cons of “Zero Tolerance Policies”.
3. Thinkers will analyze two real-life cases that relate to weapons at school and Zero Tolerance policies.

- They will consider the impact of the punishments as they relate to the intent of the offender.
4. Thinkers will determine the impact, if any, these two cases should have on Zero Tolerance policies.
 5. Thinkers will learn about Restorative Justice Circles and analyze their potential effectiveness as an alternative to more traditional punishments.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

GRADE 8

TX 9.C- Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns.

TX 10.C- Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns.

TX 12.B- Students are expected to evaluate graphics for their clarity in communicating meaning.

TX 28- Students are expected to participate productively in discussions, plan agendas with clear goals and deadlines, set time limits for speakers, take notes, and vote on key issues.

GRADE 9-10

TX 9.C- Students are expected to make and defend subtle inferences and complex conclusions about the ideas in text and their organizational patterns.

TX RC.B- Students are expected to make complex inferences about text and use textual evidence to support understanding.

TX12.A- Students are expected to compare and contrast how events are presented and communicated.

TX 26- Students are expected to participate productively in teams, building on the ideas of others, contributing relevant information, developing a plan for consensus-building, and setting ground rules for decision-making.

GRADE 11-12

TX 9.C- Students are expected to make and defend subtle inferences and complex conclusions about the ideas in text and their organizational patterns.

TX RC.B- Students are expected to make complex inferences (e.g., inductive and deductive) about text and use textual evidence to support understanding.

TX 22- Modify the major research question as necessary to refocus the research plan.

TX 11- Students are expected to evaluate the logic of the sequence of information presented in text.

Dangerous Pop Tarts: Legal Synthesis and Rule Making

Objective: Thinkers will assess the origin, application, and impact of zero tolerance policies in schools.



Many rules in school are written to make sure students are safe. What are some rules at your school that focus on student safety? What are the consequences for students who break those rules?

Instructor's Note:

Thinkers may feel that consequences should vary based on the severity of the offense and/or the intent of the offender. If the responsibility of the school is to keep all students safe, how does this impact policy? Is it possible for the school to determine intent? Hindsight is often 20/20 and often intent only becomes clear after an incident occurs. How does this impact their thinking?

TABLE 2A

SAFETY RULE	CONSEQUENCE FOR BREAKING RULE
No weapons on school grounds	Suspension/Long term suspension/Expulsion
No fighting at school	Mediation/In school suspension/Out of school suspension
No latex, peanut butter, etc.	Reminder to not bring items to school, place item in backpack or locker to take home at the end of the day

Sometimes there is only one consequence for breaking a rule, but there are many different ways the rule can be broken. One rule that all schools have is that students are not permitted to bring weapons. Usually the consequence of breaking

this rule is suspension. Consider some of the situations below. All of the situations are weapon related. What consequences do you feel would be appropriate?

TABLE 2B

SITUATION	CONSEQUENCE
A student has a paintball gun in his or her backpack	Phone call home/parent pick up of paintball gun
A student has a pocket knife on his or her keychain	Office holds pocket knife until the end of the day/student warned not to bring it back
A student draws pictures of guns and other weapons on his or her paper	Student speaks with principal or counselor. Student is asked to stop drawing weapons

Probing Questions:

- What are all the ways schools are expected to keep students safe? (i.g.: safe from violence, bullying, allergens, exposure to dangers online, etc)
- Should safety rules be very specific or broad? Is it possible to create a rule for every potential situation?

thinkStarter Summary

When people write rules or laws, they have to consider many different possibilities. Lawyers do the same thing using a concept called legal synthesis. Legal synthesis is when lawyers look at Constitutions, laws, and cases to create legal rules and use these rules to help them argue.

When it comes to weapons in school, many schools

use “zero tolerance” policies. Zero tolerance means that anyone who breaks the rule will receive a harsh punishment, no matter what.

Let’s look at two cases surrounding school safety and zero tolerance policies.

thinkAnalysis

Dangerous Pop Tarts (2016, Maryland)

In 2013, Josh was eating a Pop Tart at school. Josh was a seven-year-old second-grader who had some behavior problems in the past, including disrupting his class. Josh chewed his Pop Tart into the shape of a gun and said, “Look! I made a gun!” He began to aim and point Pop Tart at his classmates who were at their desks or in the hall and said, “Bang, Bang.”

The school district suspended Josh for two days. Josh’s family felt this punishment was unfair, but the school maintained that Josh’s behavior was disruptive and the two day suspension was fair. What arguments could both sides make to support their positions?

TABLE 2C

SUSPENSION WAS APPROPRIATE	SUSPENSION WAS INAPPROPRIATE
Josh had been in trouble at school recently. He wasn't just in trouble for the Pop Tart gun.	There was no real weapon. It was just a Pop Tart which cannot hurt anyone.

thinkBigPicture

What impact could this decision have on Josh and his future?

Josh has a suspension related to weapons on his permanent school record. This may cause future teachers or administrators to judge him unfairly.

Instructor’s Note:

Thinkers may fixate exclusively on the frivolity of making a Pop Tart gun. Ask them to consider the big picture of the entire classroom environment. How could this make other students feel? How would they feel if someone took the image of a gun, pointed it at them, and said “Bang, Bang?”

Instructor Note:

At this point in the lesson, Thinkers might place all of the blame in the situation on the building principal. If this is the case, ask Thinkers to recall what a zero tolerance policy means? Does this leave the administrator any other options to handle the situation?

Court Decision:

Josh’s family asked his school district and two different courts to review Josh’s suspension. However, the district and both courts found that the school’s decision to suspend Josh was proper. His parents fought the decision and the suspension was

upheld. They continued their appeal to the court system, where the punishment was again upheld. The school district maintained that Josh had a series of behavior infractions, and the suspension was a culmination of all of these incidents. Josh’s family requested that the suspension be removed from Josh’s record, but this request was also denied. The judge ruled that Josh received due process and the punishment was an appropriate response to his escalating behaviors.



Pocket Full of Trouble (2016, Minnesota)

Alyssa was a junior when she brought a small pocket knife to school. She claimed that she used the knife at home for farm chores and had simply forgotten it was in her purse. The purse with the knife was left in her locker and was found by a drug-sniffing dog. Alyssa said that no one, including herself, knew the knife was in the locker. Alyssa’s school also had a zero tolerance policy and she was expelled for the remaining six weeks of the school year. Under school policy, if Alyssa had told the

officers she was in possession of the knife she would not have been expelled.

Alyssa’s family strongly disagreed with her punishment and decided to take legal action. The school maintained that bringing the knife to school was a violation of the zero tolerance weapon policy. What arguments could both sides make to support their positions?

Instructor’s Note:

Alyssa’s case went all the way to the Minnesota State Supreme Court. Her hearing focused intently on the words “intent” and “endanger.” The court ruled in favor of Alyssa, saying that the knife did not pose a real danger to the student body as no one, including Alyssa, was aware that the knife was in the locker. Alyssa had graduated by the time the case was heard but continued in order to have an impact on school discipline policies. Alyssa had a lot of local support. Her punishment received a lot of backlash from her community, and many online sites were created to show support for her.

SUSPENSION WAS APPROPRIATE	SUSPENSION WAS INAPPROPRIATE
Knives are clearly in violation of school policy. Someone else could have gotten a hold of the knife and caused injury to students/staff. She should have been more careful when handling a knife.	No one, not even Alyssa, knew it was there so it was not a threat. She did not intend harm, it was a simple mistake. It’s a tool she uses on her farm not a weapon. She could not have told the officers she had the knife because she didn’t know she had it.

What impact could this decision have on Alyssa and her future?

Alyssa was not permitted to finish her Junior year of high school. That could have serious implications for her GPA and college plans. If she has a weapon-related offense on her record that could impact her opportunities when applying for colleges

thinkApplication

Thinking back to the concept of **legal synthesis**. How could these two cases be used to shape

a district’s no tolerance policy when it relates to weapons at school?

Intent must be considered when punishing students

thinkBigger

Now that we've examined zero tolerance policies and the impact they have on student consequences, let's look at a different way some schools are handling student misbehavior.

Restorative Justice Circles began in Native American communities as meetings that were held within in the community. In the 1980's, the First Nations People of the Yukon began to use them formally within their justice system. The process is now used all over the world for both juvenile and adult offenders in a wide variety of offenses. Many schools have also adopted Restorative Justice Circles within their buildings.

Restorative Justice Circles involve a victim, offender, and other members of the community. The

participants gather together to talk through the situation. Everyone takes a turn talking. Members cannot speak unless they are holding the "talking piece." The group decides together what the resolution will be. Will the offender be punished? What does the offender need to do to make the situation right? These are the tough questions the circles are designed to address. They are designed to build relationships and strengthen the community.

Should schools use Restorative Justice Circles instead of zero tolerance policies when it comes to serious problems like bringing a weapon to school? Why or why not?

I do not think justice circles would be effective because people could just go to the circle and lie about being sorry./ I do think they would be effective because the circle gives them an opportunity to learn and grow as a person. If the incident was simply a mistake the situation can be resolved without a lengthy punishment.

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Web Link:

The following link

<https://bit.ly/2f2p1e1>

connects to a PBS News story about the effect of Restorative Justice Circles in a Colorado high school.

Instructor's Note:

For more information Thinkers can visit

<http://restorativejustice.org/>

The Centre for Restorative Justice provides an online tutorial to serve as an introduction to restorative justice. This online resource also provides a library of articles, research, and videos. A possible extension activity could be for thinkers to design a presentation for their school administrators about the concept of Restorative Justice circles and the impact they could have for the school community.

Probing Questions:

- Are Restorative Justice Circles a realistic alternative to traditional methods of punishment?
- In the real world, will people have this kind of opportunity to "talk it out"?
- In a school setting, who should be invited to participate in a Justice Circle?
- What would happen if the offender disagreed with the consequence decided in the circle?
- What accountability should be in place to ensure the offender follows the directions of the circle?
- Is it appropriate for other students to have a say in the discipline/consequences of another student?

Dangerous Pop Tarts: Legal Synthesis and Rule Making

Objective: Thinkers will assess the origin, application, and impact of zero tolerance policies in schools.



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TABLE 2C

SUSPENSION WAS APPROPRIATE	SUSPENSION WAS INAPPROPRIATE

thinkBigPicture

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SUSPENSION WAS APPROPRIATE	SUSPENSION WAS INAPPROPRIATE

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Should schools use Restorative Justice Circles instead of Zero Tolerance policies when it comes to serious problems like bringing a weapon to school? Why or why not?





THINK
LAW

VOLUME 3
SPORTS & ENTERTAINMENT
TEACHER EDITION

Sample Lesson

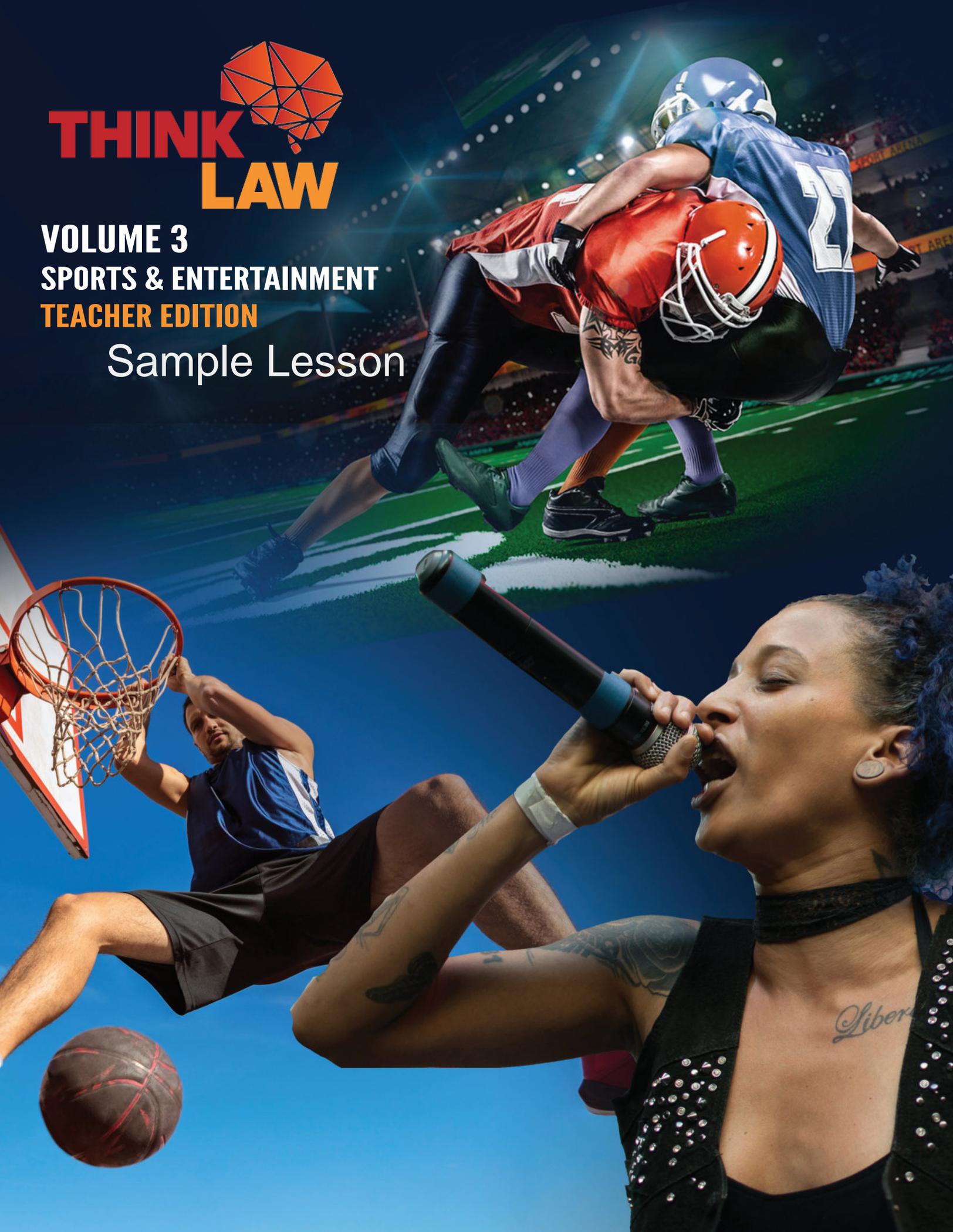


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Lesson 23 That Looks Alike:

Making and Evaluating Tough Decisions



Objective:

Thinkers will analyze multiples cases to determine if an original work was transformed to become something new.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

Grade 5

TX 11.A

Students are expected to summarize the main ideas and supporting details in a text in ways that maintain meaning and logical order.

TX RC.D

Students are expected to make inferences about text and use textual evidence to support understanding.

TX 10

Students are expected to draw conclusions from the information presented by an author and evaluate how well the author's purpose was achieved.

TX 12A

Students are expected to identify the author's viewpoint or position that explain the basic relationship among ideas.

Grade 6

TX 17.C

Student are expected to write responses to literary or expository text and provide evidence from the text to demonstrate understanding.

TX RC.D

Students are expected to make inferences about text and use textual evidence to support understanding.

TX 18

Students are expected to write persuasive essays for appropriate audiences that establish a position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives.

TX 26.A

Students are expected to listen to and interpret a speaker's messages (both verbal and nonverbal) and ask questions to clarify the speaker's purpose and perspective.

Grade 7

TX 10.A

Students are expected to evaluate a summary of the original text for accuracy of the main ideas, supporting details, and overall meaning.

TX RC.D

Students are expected to make inferences about text and use textual evidence to support understanding.

TX 18.A

Students are expected to write a persuasive assay to the appropriate audience that establishes a clear thesis or position.

TX12.A

Students are expected to follow multi-dimensional instructions from text to complete a task, solve a problem, or perform procedures.

Lesson Outline

1. Thinkers will consider who has permission to wear costumes of licensed characters for children's parties.
2. Thinkers will read about a photographer's lawsuit against Nike and compare and contrast the two Jumpman images to determine if Nike should pay the photographer.
3. Thinkers will organize their thinking using the DRAAW+C framework to explain who should win the Jumpman lawsuit.
4. Thinkers will extend their thinking to consider a lawsuit about a tattoo and its use in a major film franchise.

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS

Grade 8

TX 10.C

Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their original patterns.

TX RC.D

Students are expected to make inferences about text and use textual evidence to support understanding.

TX19

Students are expected to write persuasive essays for appropriate audiences that establish a position and include sound reasoning, detailed and relevant evidence, and consideration of alternatives.

TX26.A

Students are expected to listen and interpret a speaker's purpose by explaining the content, evaluating the delivery of the presentation, and asking questions or making comments about the evidence that supports a speaker's claim.

Grades 9-10

TX 10.C

Students are expected to make subtle inferences and draw complex conclusions about the ideas in text and their organizational patterns.

TX RC.D

Students are expected to make inferences about text and use textual evidence to support understanding.

TX16

Students are expected to write an argumentative essay to the appropriate audience that includes a clear thesis or position based on logical reasons supported

TX9.B

Students are expected to distinguish among different kinds of evidence (e.g. logical, empirical, anecdotal) used to support conclusions and arguments in texts.

Grades 11-12

TX10.A

Students are expected to evaluate the merits of an argument, action, or policy by analyzing the relationships among evidence, inferences, assumptions, and claims in text.

TX RC.D

Students are expected to make inferences about text and use textual evidence to support understanding.

TX16

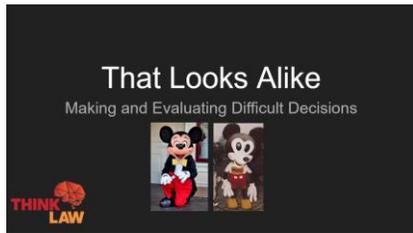
Students are expected to write an argumentative essay to the appropriate audience that includes a clear thesis or position based on logical reasons supported

TX9.B

Students are expected to explain how authors writing on the same issue reached different conclusions based on differences in assumptions, evidence, reasoning, and viewpoints.

Lesson 23: That Looks Alike

Making and Evaluating Difficult Decisions



Instructor's Note:

Companies will pursue legal action against businesses that provide licensed costumed characters without permission to children's parties.

There have been several lawsuits filed by Disney over party companies that provide *Frozen*, *Star Wars*, and more traditional characters for children's parties, trade shows, and other events. Disney even has a special e-mail address where people can send tips about copyright infringement. tips@disneyantipiracy.com

Lesson 23

That Looks Alike

Making and Evaluating Tough Decisions

thinkStarter

Little kids love birthday parties. Sometimes at children's parties, parents hire a character to make an appearance. A princess or superhero might surprise children at a party and take pictures with the party goers. Most of the time the characters parents hire for parties are just someone the family knows, like a teenager. So, for example, a family might pay their teenage neighbor to come to a birthday party in a Spiderman costume.

Do you think you could create a business where you charge parents to show up at parties dressed like characters from movies? List arguments for both sides.

The Business Would Be Okay	The Business Would NOT be Okay
<ul style="list-style-type: none"> - It's just something that you're doing for kids that you know, and it makes the kids really happy. - You're not making a lot of money. 	<ul style="list-style-type: none"> - Those characters are licensed, and you don't own the right to them. You can't make money off of characters that you don't own without permission.

thinkStarter Summary

Specific princesses and superheroes are licensed by companies. This means you would need permission to use the characters in a way that is making money. But what if you change the image just a little?

Slam Dunk

(Rentmeester v. Nike, 2015, Oregon)

In 1984, photographer Jacobus Rentmeester did a photoshoot with basketball star Michael Jordan for LIFE Magazine. Jacobus took a picture of Jordan in his Olympic warm-ups. In the photo Jordan is jumping up to make a slam-dunk. Jordan's legs are spread. His arm is reaching up and holding a basketball. This was not the normal way Jordan jumped when making a slam dunk. The jump was actually inspired by a ballet technique called a "grande jete." Using this technique to pose was Jacobus's idea.

Nike later recreated the same shot of Michael Jordan. In the photo, Jordan is jumping up to make a slam-dunk. Nike actually even paid Jacobus \$150 for a slide of the photo. Jordan's legs are spread. His arm is reaching up and holding a basketball. The primary

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thinkStarter Probing Questions:

- Why do you think companies don't want businesses to use their characters without permission? Do you think it's a big deal? Why or why not?
- What if a business was using a children's character without permission at an event that was questionable? Like a gun show or a party with alcohol? Would that change your mind? Why or why not? How might a child react to seeing the character in a questionable situation?
- How is this issue similar to the cases we analyzed regarding the right of publicity? Should companies be able to control the business use of their characters even though they aren't real people? Why or why not?

difference in the photos is that in the Nike photo, Jordan is wearing a Bulls uniform and the Chicago skyline can be seen in the background.

The Nike photo later served as the inspiration for the famous logo used on Jordan products such as shoes, hats, jackets, pants, shorts, and socks. In the icon, Jordan is jumping up to make a slam-dunk. Jordan's legs are spread. His arm is reaching up and holding a basketball.



In 1985, Jacobus was paid \$15,000 by Nike for permission to use the Jumpman image on billboards and posters for 2 years.

In 1987, Nike modified the logo. They no longer paid Jacobus money nor asked his permission for the logo to be used.

The Jordan brand continued to grow. In 2014, the Jordan brand made \$3.2 billion in sales.

Jacobus sued Nike in 2015, saying they created the logo from his photograph and owed him money. Jacobus's image is on the left, and the Nike image is on the right.

Compare the two images

Similarities	Differences
<ul style="list-style-type: none"> - Both figures are jumping. - Both figures are holding a basketball with the same arm/hand. - The images are both solid black. - Both figures have bald heads. 	<ul style="list-style-type: none"> - The legs are different. In one image they're bent. - The arms are different. In the Nike image the arms are very straight, but in the other image, the arms are bent.

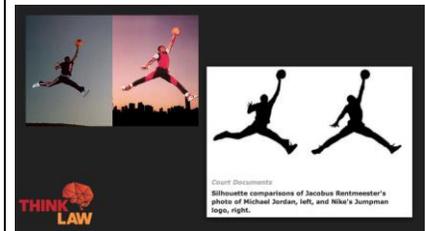
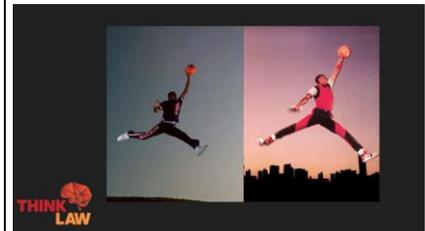
Do you think they are similar enough for Jacobus to claim that Nike stole his image? Why or why not?

Some thinkers might feel that the images are very close and that the ballet pose had been Jacobus's idea rather than the natural way Michael Jordan dunks.

To win this case, Jacobus would have to prove that his image was stolen. Copyrights protect just the actual work and not the ideas behind them. So proving that Nike stole his idea would not be enough. He would have to prove the image from his photograph was used without permission. Look at the images again.

Instructor's Note:

The lesson 23 PowerPoint presentation contains a slide with a side-by-side comparison of the photos and the logos. Have thinkers analyze the photographs before the logos.



Instructor's Note:

Have thinkers vote. Did Nike steal Jacobus's image? Yes or No? Allow thinkers from each side to share their rationales.

Probing Questions:

- Do you think Nike should pay Jacobus more money? Do you think the \$15,000 is enough? Why or why not?
- We've talked about "transforming" a piece of art into something else? Do you think the Jumpman logo is a transformation from the photograph? Why or why not?
- Do you think that Jacobus would be as upset about the situation if the Jordan brand was not as financially successful? Why or why not?

Braincandy Questions:

(23.1) Poll: Should anyone be allowed to dress up like a licensed character for a party or other event?

(23.2) How are the two Jumpman logos similar?

(23.3) How are the two Jumpman logos different?

Instructor's Note:

The Court ruled in 2018 that the photographer's picture was not substantially similar to Nike's Jumpman logo.

Jacobus was told that his 1984 photograph of Michael Jordan displays a different setting, alternative lighting and other elements that makes it different from it from Nike's creation.

Instructor's Note:

Have thinkers vote. Should Warner Brothers need Victor's permission to use the tattoo in the film? Allow thinkers from each side to share their rationales.

Should Jacobus win this lawsuit? Use the DRAAW + C framework in your response.

D- Jacobus should not win his lawsuit.

R- The rule is that the image must be transformed. It can't be the same as the original. It needs to have noticeable differences.

A- Jacobus will argue that the concept of the image is the same and that the two images have a lot of his similarities. The original pose was his idea.

A- Nike will argue that the icon has changed over time. The current logo is different from the original photo that was taken in 1984 by Jacobus.

Who Owns a Tattoo?

(Whitmill v. Warner Brothers, 2011, Missouri)

Missouri tattoo artist Victor Whitmill designed a tattoo. That tattoo was placed on boxer Mike Tyson's face. Mike Tyson had retired from fighting and decided to appear in The Hangover movie franchise. In the second movie, actor Ed Helm's character woke up with the same face tattoo as Mike Tyson. The movie was a comedy, but Victor wasn't laughing.

Victor claimed that he designed the tattoo. Victor also had the design copyrighted. He sued Warner Brothers for not getting his permission to use the design in the film.

What arguments will both sides present?

Victor's Arguments	Warner Brothers' Arguments
<ul style="list-style-type: none"> - Victor created an original design that he copyrighted. - He owns the image. - The image in the movie was not just included on Mike's face; the movie put the same image on a different character's face. 	<ul style="list-style-type: none"> - The tattoo is on Mike Tyson's face, and Mike is in the movie. If Mike is in the movie, they should not have to get special permission to use the image of the tattoo.

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Probing Questions:

- Do you agree with the Court's decision in the Nike case? Why or why not?
- Do you think Nike would sue you if you made a similar jumping logo? Why or why not?
- What do you think is odd about the tattoo case?
- Would your opinion about the tattoo being featured in the movie be different if Mike Tyson was not in the movie? Why or why not?
- Do you think tattoos should be copyrighted? Why or why not? Who should own the copyright? Should Victor own the copyright? Should Mike Tyson own the copyright? Why or why not?

Should Victor win this lawsuit? Use the DRAAW + C framework in your response.

D- Victor should win his lawsuit.

R- The rule in this case is about copyright. Victor created the image and owned the copyright, so the studio would need his permission to use the design.

A- Victor will argue that he owns the design and that the movie studio cannot put the image on a character's face without his permission.

A- The movie studio will argue that the tattoo is permanently featured on Mike Tyson's face, and Mike Tyson is in the movie. The character who gets the tattoo in the movie is copying Tyson.

thinkBigger

Victor Whitmill designed Mike Tyson's face tattoo and copyrighted the design. If you wanted to get the same tattoo on your face, do you think you would need Victor's permission to get the same tattoo as Mike Tyson? Why or why not?

Responses will vary. Some thinkers may feel that Victor sued the movie company because they were using his design in a movie that would make a lot of money. He may not care about an individual getting the tattoo.

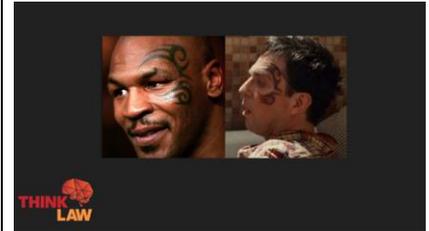
Does this seem reasonable? Why or why not?

Thinkers may argue that it would be unreasonable to have to get permission because people get tattoos of licensed characters all of the time without permission from the companies that own the characters.

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Instructor's Note:

The lesson 23 PowerPoint presentation contains a slide with a side-by-side comparison of Tyson's tattoo and the tattoo in the movie.



Braincandy Questions:

(23.4) Poll: Do you think the tattoo should be allowed in the movie?

(23.5) In the tattoo case, what evidence do you think is the strongest?

Instructor's Note:

Warner Brothers settled with Victor for an undisclosed amount. The tattoo was used in the movie.

Probing Questions:

- If you were a lawyer for Warner Brothers, how much money would you offer Victor to use the tattoo? If you were Victor, how much money would Warner Brothers need to offer you to use your tattoo design? Why?
- Do you think someone should be able to get a trademarked image as a tattoo? The McDonald's arches? The Nike Swoosh? Why or why not? Would there be any way to regulate these types of tattoos? Why or why not?

Lesson 23

That Looks Alike

Making and Evaluating Tough Decisions

thinkstarter

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Should Jacobus win this lawsuit? Use the DRAAW + C framework in your response.

Should Victor win this lawsuit? Use the DRAAW + C framework in your response.

thinkBigger

Victor Whitmill designed Mike Tyson's face tattoo and copyrighted the design. If you wanted to get the same tattoo on your face, do you think you would need Victor's permission to get the same tattoo as Mike Tyson? Why or why not?

Does this seem reasonable? Why or why not?
