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**IS THAT CONSTITUTIONAL?**

***The U.S. Supreme Court & Judicial Review***

**LIST OF AVAILABLE MATERIALS**

Lesson Plan

PowerPoint Presentation (with presenter notes)

**Interactive Nearpod Presentation**

Topic Preview Video

Handouts & Quizzes

**Answer Keys**

**Civics in Real Life Activity**

Timeline

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***Lesson Summary***

***Main Topic***

The U.S. Supreme Court and Judicial Review

***Overview***

In this lesson, participants will learn more about the role of the U.S. Supreme Court and how the concept of judicial review came to be. They will also explore differences between judicial restraint and judicial activism as well as learn ways to stay engaged with the judicial branch and why that is important.

***Learning Goals***

* Ensure basic knowledge of how the government works
* Explore the unique role of the Supreme Court
* Examine some historical landmark Supreme Court cases
* Encourage further analysis of the role and decisions of the Supreme Court

***Suggested Time Frame***

* Works best in a minimum one-hour presentation although can be modified to be shorter or longer

***Format***

* This presentation can be done in-person or virtually.
* Participant interaction activities can be done digitally or paper/pencil
* Participants can be in groups or in an individual lecture seating arrangement

***Materials/Equipment***

Computer with internet access and projection capabilities *(if using Nearpod, projection not required)*

Presenter PowerPoint OR Nearpod

Presenter Notes (with PowerPoint)

Participant computer or cell phone (needed if presenting virtually or using interactive Nearpod presentation only)

Pens/Pencils (if not using Nearpod)

Handouts: (will depend on presentation method)

~Constitutional Balance Review

~Judicial Review Quiz

~CRL Docket: *Edwards v. Vannoy*

***Tips For Working With Adult Learners***

*Andragogy*

|  |
| --- |
| **What Do Adult Learners Like?** |
| Presentations that allow them to be self-directed but maintain independence |
| Experiential activities |
| Opportunities to connect to real life experiences |
| A presenter who assumes they are building on existing knowledge/filling in knowledge gaps |
| Activities that allow for participant choice |
| When the topic presented is related to their societal role |
| Realistic situations with real solutions |
| Time built in for them to share their opinions |
| Knowledge checks & re-checks that drive presentation |
| Clear objectives |
| A topic that can have immediate impact/can be implemented |
| Presentation animation |
| Healthy competition |
| Use of experts |

***Tips For Productive Civil Discourse***

<https://www.uscourts.gov/educational-resources/educational-activities/setting-ground-rules-civil-discourse-and-difficult>

***Tips For Using Nearpod***

*What is Nearpod?*

Nearpod is a teaching tool that is used in many classroom settings, however it also makes a great presentation tool as well.  It allows a standard slideshow presentation to become more interactive.  It provides participants the ability to “join” the presentation on their device/phone and not only follow along but pause for interactivity.  All Benchmarks lessons come with these pre-made for the presenter

[Nearpod Overview Video](https://www.youtube.com/watch?v=cYVHSAqEeMM&list=PL09U3vv6UoGTqzcvM5UC3s4zjOqmwKWpN&index=1)

[How to Login or Sign Up Video](https://www.youtube.com/watch?v=7iz5tQnfCh8&list=PL09U3vv6UoGTqzcvM5UC3s4zjOqmwKWpN&index=8)

[Navigating the Home Page Video](https://www.youtube.com/watch?v=1ws25A04iBk&list=PL09U3vv6UoGTqzcvM5UC3s4zjOqmwKWpN&index=10)

*Note: For the Benchmarks lessons, you will almost always use the “Launch Live Presentation” option*

**More Help Videos**

<https://www.youtube.com/playlist?list=PL09U3vv6UoGTqzcvM5UC3s4zjOqmwKWpN>

<https://www.youtube.com/watch?v=XVmkS4nGq5E>

**Nearpod Main Help Page**

<https://nearpod.zendesk.com/hc/en-us>

***Suggested Presentation Sequence – PowerPoint & Handouts Method***

1. Prior to participants arrival:

*Have PowerPoint projected and ready to go*

*Have the Constitutional Balance Worksheet distributed*

1. To begin, welcome everyone and introduce yourself (you can edit the slide & add your information). Provide background on the purpose of the Benchmarks program. (Slide 2)
2. Introduce the topic of the presentation (Slide 3)
3. Go over the objectives of the presentation so participants have a clear idea regarding what they should take away from your time together. (Slide 4)
4. Explain that in order to ensure the presentation provides participants what they need, you are going to start off with a little review just to gauge existing/background knowledge. Emphasize “no judgement” but more using formatively as to not make assumptions. (Slide 5)
5. Pass out the “Constitutional Balance” participant activity sheet if haven’t already done so.
6. Use the presenter notes on slide 5 and talk through a review of the three branches of government and their separation of powers
7. Provide participants time (2-3 min) to try and answer the questions at the bottom of the handout regarding “checks” on power. This can be done individually, in pairs, or at a group table. (Slide 6 & Handout)
8. Review the answers aloud as a whole-group, calling on volunteers to share their responses and either correcting or elaborating (Slide 6)
9. After sufficient review, let participants know that you will now move to the topic of today, looking more deeply at the Supreme Court and the judicial branch and the role they play in maintaining checks & balances.
10. Start with the Supreme Court: Agree or Disagree activity. (Slides 7 & 8) Activity options:

* Project the Supreme Court quotes and complete the activity for each one
  + Option 1: Participants volunteer to share if they agree or disagree and why
  + Option 2: Have participants do a hand raise or stand for “Agree” and then “Disagree” and have someone from each side share reasoning
  + Option 3: Use opposite sides of the presentation space and have participants physically move to one area of the room for “Agree” and a different area for “Disagree” and then volunteers can share. Move back to center before each one.
  + Option 4: Place participants in small groups to discuss each one

1. Review/Teach the concepts of judicial activism and restraint (Slide 9)
2. While we all may have opinions about the role of the Court as demonstrated by the activity in step 11, next you will review/teach what the Constitution says about the role of the Court (Slide 10)
3. Review/Teach the concept of judicial review (Slides 11-13)
   * Provide background and have participants watch video summary of *Marbury v. Madison* (Note: you may have to click to skip an ad as this is a free resource linked from YouTube)
   * Review the video and reemphasize main points
4. Once the basics of judicial review have been taught, have participants complete a check for understanding before continuing (Slide 14)
   * Option 1: Have participants complete quiz via paper/pencil individually and then go over answers
   * Option 2: Have participants complete quiz in pairs or groups and then go over answers
   * Option 3: Go through questions together as a whole-group, calling on volunteers
5. Continue to instruct on judicial review. You will go more in depth on the expansion of judicial review, landmark court cases, and the history of the Court’s use of the judicial review power (Slides 15-17)
6. Pause for any questions before the final activity
7. Pass out the “Civics in Real Life Docket: *Edwards v. Vannoy”* Handout
8. Provide participants time (5 minutes) to read the summary/facts of the case and prior case precedents (Slide 18)
9. Ask participants to share, either in small groups or whole-group, how they think the Court should decide (See “Think & Do” at bottom of handout)
10. Share with the group the actual outcome of the case and the Court’s decision (see presenter notes in Powerpoint Slide 18)
11. Begin to close the presentation by sharing with participants how this relates to their everyday life and encourage them to stay active/engaged (Slides 19 & 20)
12. Provide quick recognition to the Florida Joint Center for Citizenship at the Lou Frey Institute at UCF for their work in the creation of the curriculum for these lessons. (Slide 21)
13. Thank your participants for coming!

***Suggested Presentation Sequence – Interactive Nearpod Method***

1. Prior to participants arrival: Have Nearpod projected and ready to go

*~Go to* [*www.nearpod.com*](http://www.nearpod.com)

*~Use the account login information provided by the Florida Bar Speakers Bureau. Choose from any of these generic accounts.*

Email: [Benchmarks1@floridabar.org](mailto:Benchmarks1@floridabar.org)  Password: Benchmark1!

Email: [Benchmarks2@floridabar.org](mailto:Benchmarks2@floridabar.org)  Password: Benchmark2@

Email: [Benchmarks3@floridabar.org](mailto:Benchmarks3@floridabar.org)  Password: Benchmark3#

Email: [Benchmarks4@floridabar.org](mailto:Benchmarks4@floridabar.org)  Password: Benchmark4$

*~Hover over the chosen lesson square on the main page and choose “Live Presentation”*

*~Project the Join Code for your participants (They simply go to the main Nearpod website and enter that join code under “Students”-no account required for them!)*

1. To begin, welcome everyone and introduce yourself. Provide background on the purpose of the Benchmarks program. (Slide 2)
2. Introduce the topic of the presentation (Slide 3)
3. Go over the objectives of the presentation so participants have a clear idea regarding what they should take away from your time together. (Slide 4)
4. Explain that in order to ensure the presentation provides participants what they need, you are going to start off with a little review just to gauge existing/background knowledge. Emphasize “no judgement” but more using formatively as to not make assumptions. (Slide 5)
5. Use the presenter notes on slide 5 and talk through a review of the three branches of government and their separation of powers
6. The next slides (Slides 6-9) are interactive collaboration boards. For each one allow a minute or so for participants to try and respond to the question posted regarding “checks” on power.
   * Review the answers aloud as a whole-group, calling on volunteers to share their responses and either correcting or elaborating. You could also use the Nearpod “Share” feature and highlight certain answers.
7. After sufficient review, let participants know that you will now move to the topic of today, looking more deeply about the Supreme Court and the judicial branch and the role they play in maintaining checks & balances.
8. Start with the Supreme Court: Agree or Disagree activity. (Slides 10-15)

* Project the Supreme Court quotes and complete the activity for each one
  + This will be done through a digital poll and then you can ask for volunteers to share reasoning (Tip: hit the “Share” button in Teacher view to show results to the group)

1. Review/Teach the concepts of judicial activism and restraint (Slide 16)
2. While we all may have opinions about the role of the Court as demonstrated by the activity in step 9, next you will review/teach what the Constitution says about the role of the Court (Slide 17)
3. Review/Teach the concept of judicial review (Slides 18-20)
   1. Provide background and have participants watch video summary of *Marbury v. Madison (*Note: you may have to click to skip an ad as this is a free resource linked from YouTube)
   2. Review the video and reemphasize main points
4. Once the basics of judicial review have been taught, have participants complete a check for understanding before continuing (Slide 21)
   1. Quiz will already be integrated into the presentation (Slide 22)
   2. It is not timed so you will need to choose when to reveal the answers and continue to the next question
5. Continue to instruct on judicial review. You will go more in depth on the expansion of judicial review, landmark court cases, and the history of the Court’s use of the judicial review power (Slides 23-25)
6. Pause for any questions before the final activity
7. For the final activity, participants will experience judicial review (Slide 26)
8. Have participants open a copy of the “Civics in Real Life Docket: *Edwards v. Vannoy”* in the interactive PDF viewer (Slide 27)
9. Provide participants time (5 minutes) to read the summary/facts of the case and prior case precedents (Slide 27)
10. Ask participants to share using the Open-Ended Question feature in the Nearpod regarding how they think the Court should decide (See “Think & Do” at bottom of handout) (Slide 28)
11. Share with the group the actual outcome of the case and the Court’s decision (see presenter notes in PowerPoint)
12. Begin to close the presentation by sharing with participants how this relates to their everyday life and encourage them to stay active/engaged (Slides 29 & 30)
13. Provide quick recognition to the Florida Joint Center for Citizenship at the Lou Frey Institute at UCF for their work in the creation of the curriculum for these lessons. (Slide 31)
14. Thank your participants for coming!