

Persistent Issue: What should society do to promote fairness and justice for people who live within its jurisdiction?

Central Question: What does the Constitution require in terms of effective counsel?

Ineffective Counsel Concept Lesson: A Lesson Narrative

The sixth amendment in the United States Constitution focuses on citizens' right to counsel and some of the main rights citizens are afforded in criminal prosecutions. The lesson will give students a better understanding of their rights as a US citizen as well as how the rights of the accused under the 6th amendment have expanded with the Supreme Court rulings *Gideon v. Wainwright* and *Strickland v. Washington*. Students will be evaluating what does and does not constitute effective counsel using real world relatable examples.

The goal for this lesson is to have students create a persuasive essay acting as an appellate court judge deciding on the case of Anthony Ray Hinton. Students will discuss their role as an appellate court justice, what constitutes effective counsel, present both sides of evidence, and evaluate whether or not Anthony Ray Hinton received effective counsel in his trial.

This lesson is designed for multiple days, which will allow students to read through the materials and discuss within their groups the best supporting evidence for their stance on the issue.

By the end of the lesson, the students will have interactive notes, a concept lesson graphic organizer, and have written a persuasive essay acting as an appellate judge on the case of Anthony Ray Hinton.

Breakdown of Lesson

Introduce the lesson topic and idea of the rights of the accused and the sixth amendment by going through the **Right to Counsel Slides**. The slideshow has definitions, discussion questions, breakdowns of court cases and videos to introduce students to the concept of effective and ineffective counsel. The lesson will also have students begin to evaluate whether what good lawyers do and what effective versus ineffective counsel looks like. Students will fill out their **Interactive Notes: Right to Counsel** as the class moves through the slides.

Have students sitting in groups of 3-5 depending on your class size. You need to have 6 groups in total, each student in the group will need to have an **Effective v. Ineffective Counsel Scaffold**. You should have the **Effective v. Ineffective Counsel Slides** pulled up as you move through the activity to help keep students on task and engaged in the assignment. You can also use the **Understanding Effective Counsel Teacher Guide** to assist your teaching of this lesson. As students move through the lesson, be sure to ask questions and walk around the room to ensure that students are analyzing the information, understanding what is being asked of them, and staying on task. Below is the schedule that we have found to work the best for us, but feel free to adjust as needed for your own class.

- After introducing the lesson to students, please pass out a different case to each group. Each student should have their own reading to use, however, all students at a group should be reading the same case. Give students 15 to 20 minutes to read their case as a group and answer the six questions that are on the first page of their **Effective v. Ineffective Counsel Scaffold**. When students finish, have them begin to think about what they will say about their case when they present to the rest of the class. Their presentation should center around the three questions: What happened in the case? How did the lawyer act? Why does the case show effective or ineffective counsel?
- After all groups have answered their initial questions and have become experts on their particular case, the teacher will go around from group to group and read the case aloud so all students in the room will hear the facts of the case. While the teacher is reading, students should begin to think about and answer their three questions on the second page of their **Effective v. Ineffective Counsel Scaffold**: What happened in the case? How did the lawyer act? Why does the case show effective or ineffective counsel? After the teacher is done reading the case, the experts on the case (the group who read that particular case) will begin their presentation. The teacher will then review the answers to the three questions by asking other students in the class to make sure that students were paying attention and that everyone has the correct information, focusing on the “why” for whether or not the case was an example of effective versus ineffective counsel.
- After all groups have presented their cases, give students 10-15 minutes to work on the last page of their **Effective v. Ineffective Counsel Scaffold**, the effective v. ineffective counsel T-chart. Students will consider the six cases that they have heard and will

rank them against one another to determine the most effective and the most ineffective examples of effective and ineffective counsel that they heard during the lesson. They will rank all six cases on their chart and should be filling this out as a group, discussing their justifications and their “why” of putting certain cases in that particular spot. Students should justify and defend their stances and rankings while answering the short answer question that is at the bottom of page three.

- After students have had a chance to fill out their T-chart and answer their short answer question, go over the cases again and have the students hold up their fingers for where they placed the case in their rankings on their T-chart. Have students answer why they place the case where they did using evidence from the case.
- After going over the rankings, have a discussion on what constitutes effective versus ineffective counsel and how to distinguish between them using the Strickland test and the 6th Amendment.

After reviewing the content and material, pass out the **Story of Anthony Ray Hinton** and read the case together as a class. Tell your students that this is a real case that actually happened and was brought up on appeal on the claim of ineffective counsel. Pass out the **Court of Appeals Cheat Sheet** and go over the role of the court of appeals with your students and the job of the justices that serve on that level of court. Then pass out **The Right to Effective Counsel Appellate Judge Opinion Essay Directions** and go over the scenario and five paragraph essay format with students. Depending on the grade level, it could be beneficial to use sentence starters for each paragraph or idea. We also allowed for students to use their notes, concept lesson scaffold, the story of Anthony Ray Hinton, and the court of Appeals cheat sheet as they were writing to assist them in organizing their ideas.